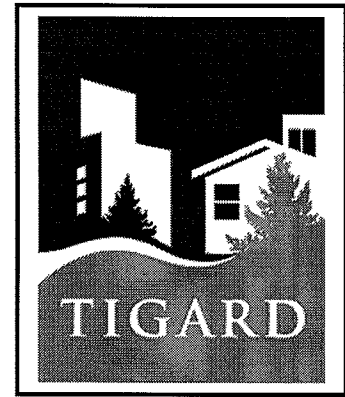


TIGARD CITY COUNCIL,
CITY CENTER DEVELOPMENT
AGENCY & LOCAL CONTRACT
REVIEW BOARD MEETING

JANUARY 23, 2007 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL, CITY CENTER
DEVELOPMENT AGENCY AND LOCAL
CONTRACT REVIEW BOARD MEETING
JANUARY 23, 2007

6:30 PM

- STUDY SESSION

- > Review Encroachment Permit Process Policy
 - Community Development Staff
- > Intergovernmental Agreement with Clean Water Services for Sanitary Sewer Master Plan Preparation
 - Community Development Staff
- > Update on Burnham Street
 - Community Development Staff
- > Review Additional Funding Request for Pavement Management Services
 - Community Development Staff

- EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

- 1. BUSINESS MEETING

- 1.1 Call to Order - City Council, Local Contract Review Board and City Center Development Agency
- 1.2 Roll Call
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports
- 1.5 Call to Council and Staff for Non-Agenda Items

- 2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)

- Tigard Area Chamber of Commerce Representative
- Follow-up to Previous Citizen Communication

3. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
- 3.1 Approve Council Minutes for December 12 and December 19, 2006
 - 3.2 City Center Development Agency:
Appoint City Center Development Agency Budget Committee Members:
Mark Haldeman, Rick Parker, Katie Schwab, Jason Snider, Dena Struck, and Cameron James (Alternate) - Resolution No. 07-____.
 - 3.3 Appoint Planning Commission Members: Jeremy Vermilyea, Tom Anderson, and Margaret Doherty - Resolution No. 07-____.
 - 3.4 Local Contract Review Board
 - a. Approve ODOT Agreement for Traffic Signal Interconnection Upgrade on Carmen Drive/Boones Ferry Road at Sequoia Parkway
 - b. Award Contract for 72nd/Dartmouth Intersection Project Design Services
 - c. Approve the Purchase of a 4 x 4 Backhoe Loader
 - d. Award Contract for a Geographic Information System (GIS) Needs Assessment and Implementation Plan
 - e. Award Contract for Monthly Cityscape Newsletter Printing
 - f. Award Contract for Pavement Management Services
 - 3.5 Approve Budget Amendment #11 to the 2006-07 Budget to Increase Appropriations in the Capital Construction and Transportation Division for Additional Costs Related to Pavement Management Services - Resolution No. 07-____.
 - 3.6 Authorize City Manager to sign a Dedication Deed Transferring Title of Reserve Access Strips to the Public - Resolution No. 07-____.
- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*
4. OREGON DEPARTMENT OF TRANSPORTATION REGION 1 MANAGER
JASON TELL
- Staff Introduction: Community Development Staff
5. TUALATIN RIVERKEEPERS PRESENTATION – UPDATED FIELD GUIDE
- Staff Introduction: Community Development Staff
6. CITY VISION PROCESS UPDATE
- Staff Report: Administration Staff

7. COUNCIL GOAL ADOPTION
 - Staff Report: Administration Staff
8. COUNCIL LIAISON APPOINTMENTS
 - a. Staff Report: Administration Staff
 - b. Council Consideration: Resolution No. 07-_____
9. INFORMATIONAL PUBLIC HEARING – FORMATION OF SEWER REIMBURSEMENT DISTRICT #37 (SW 87TH CT., HALL BLVD.)
 - a. Open Public Hearing
 - b. Declarations or Challenges
 - c. Staff Report: Engineering Staff
 - d. Public Testimony
 - e. Staff Recommendation
 - f. Council Discussion
 - g. Close Public Hearing
 - h. Council Consideration: Resolution No. 07-_____
10. NON AGENDA ITEMS
11. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
12. ADJOURNMENT

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Agenda Item #
Meeting Date

Study Session
January 23, 2007

COUNCIL AGENDA ITEM SUMMARY
City Of Tigard, Oregon

Issue/Agenda Title Review City Encroachment Permit Policy
Prepared By: Nancy Werner Dept Head Approval: *TC* City Mgr Approval: *CP*

ISSUE BEFORE THE COUNCIL

Review City policy for permitting encroachments into the right-of-way or easements, including a recommended \$300.00 permit fee. Council will be asked to approve the permit fee at a later date.

STAFF RECOMMENDATION

Recommend any changes to the encroachment permit policy and approve a \$300.00 permit fee.

KEY FACTS AND INFORMATION SUMMARY

Section 15.16 of the Tigard Municipal Code prohibits, with some exceptions, the placement of any structures or vegetation in unimproved right-of-way, easements or other public property ("encroachments") without a revocable permit from the City. Most lots in the City include some portion of the right-of-way and/or a utility easement. Staff occasionally finds fences, retaining walls or other encroachments that have been built in the right-of-way, easements or other public property without the proper permit. Staff is recommending a policy to implement Section 15.16 and to ensure consistent treatment of both requests for new encroachments as well as enforcement of the Code when existing encroachments are discovered. Under the proposed policy:

- Before constructing an encroachment, the property owner must submit a revocable permit application. Appropriate City staff will review the application and issue a revocable permit if the requested encroachment complies with Code requirements.
- Unpermitted existing encroachments that staff becomes aware of will be investigated. If the encroachment interferes with the use of the right-of-way or easement or creates a line of site traffic hazard, the City will require the property owner to remove the encroachment. If the encroachment complies with Code requirements, staff will require the property owner to obtain a revocable permit.
- When a revocable permit is issued, the applicant must pay a \$300.00 permit fee, and the revocable permit will be recorded against the title of the property. If the application for a revocable permit is denied, no fee will be charged.

OTHER ALTERNATIVES CONSIDERED

N/A.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

The encroachment permit policy would contribute to the Tigard Beyond Tomorrow goals of “Communication” and “Improve Traffic Safety.” Implementation of the policy will provide the City the opportunity to inform citizens of a Code requirement that is not widely known and will prevent or remove encroachments that create a traffic hazard.

ATTACHMENT LIST

- Memorandum to Tom Coffee regarding Encroachment Permit Policy

FISCAL NOTES

Reviewing permit applications, site inspections and issuing permits will require some additional staff time, but is not expected to be a substantial increase in workload. Sending notice to adjacent homeowners and recording revocable permits as required by the Code will result in costs for postage and the filing fee (\$22 for the first page; \$5 for each additional page). The recommended permit fee is intended to cover these additional costs.



MEMORANDUM

TO: Tom Coffee, Community Development Director

FROM: Nancy Werner, Right-of-Way Administrator *NW*

RE: Encroachments into Rights-of-Way and Easements

DATE: November 15, 2006

Chapter 15.16 of the Tigard Municipal Code generally prohibits encroachments into the public rights-of-way, easements and public property without a revocable permit from the City. The permit may be issued only if certain enumerated conditions are met.

As discussed with managers within the Community Development Department, the City's policy in applying this Code provision is as follows:

Applications for Encroachments:

Any person seeking to build, place or maintain a structure, landscaping and/or vegetation, including permanent or semi-permanent structures or appurtenances, water features, hardscape, and similar materials, in the public right-of-way or utility easements must submit an Application for Encroachment Permit (an example is attached) to the Right-of-Way Administrator. The ROW Administrator will confer with appropriate staff to determine if the encroachment is exempt from the permit requirement or, if it is not exempt, make a recommendation to the City Manager or designee to approve, modify or deny the application.

An encroachment is exempt from the permit requirement if it does not create a line of sight hazard and:

- The encroachment would have a minor impact on the present or planned use of the public right-of-way or easement;
- The encroachment is expressly permitted by the Code; or
- Is listed as exempt in section 15.16.020 of the Code.

If the encroachment is not exempt, the ROW Administrator may recommend that the City Manager or designee issue the permit if the following conditions are met:

- The appropriate clearances are met:
 - 3 feet on all sides of a fire hydrant;
 - 1 foot behind and 2 feet from the sides of water meter boxes (unless the applicant pays for relocation);
 - 7 feet from manholes or underground pipelines such as City sewer lines, water lines and storm drain lines;
 - Any clearance required by underground utilities such as power, telephone, and cable TV affected by the encroachment;
- The encroachment does not prevent access to, cover or block the flow of water to or into catch basins, ditches or swales, or otherwise alter the natural drainage patterns in a manner that adversely affects other property (unless the applicant complies with specific requirements set by the City);
- The adjacent right-of-way has been fully improved to its planned dimensions with associated curbs, sidewalks, utilities and street trees, provided there is at least one foot clearance between the encroachment and the back edge of the sidewalk;
- There is sufficient room for off-street parking or pedestrian travel, and the encroachment does not result in a loss of area needed for parking, vehicular maneuvering, or pedestrian travel;
- It is determined that the requested encroachment is consistent with the current use of the public right-of-way or easement; and
- It is determined that the encroachment does not create a line of site hazard.

In approving an application, the City may modify the application by adding any conditions permitted by TMC 15.16.050(2) and any conditions requested by affected utility providers.

The ROW Administrator will recommend that the City Manager or designee deny the permit application if any of the conditions listed above are not met, or if staff finds that issuing the permit is not in the public interest.

If Community Development staff determines that the encroachment is permissible, the applicant and the City Manager or designee must execute an Easement Agreement/Encroachment (Revocable Permit). The City will send notice of the decision to all owners/occupants within 200 linear feet in any direction of the boundary of the proposed encroachment. If no appeal is filed, or if the City Council upholds the City Manager's or designee's issuance of the permit on appeal, the permit will be recorded against the title of the property on which the encroachment is placed. Before the City issues the permit, the applicant must pay a \$300.00 permit fee to cover the costs of permit review, inspection, preparation and mailing of notices, and the Washington County filing fee. If the City determines that the encroachment is exempt from the permit requirement, or denies the application, the applicant is not required to pay the application fee.

The Engineering Development Review Division will handle the review and approval of any encroachments to be constructed in new developments. It is the City's policy that there will be no encroachments into the right-of-way or easements except under exceptional circumstances. A request to encroach must be approved by the Development Review Engineer, and, in most instances, will require an Easement Agreement/Encroachment (Revocable Permit) or other written notice that the City authorized the encroachment.

Enforcement of Existing Encroachments without Permits:

Reports of existing encroachments into the right-of-way or easements should be routed to the ROW Administrator, who will confer with appropriate staff. If staff determines that the encroachment has a minor impact on the present or planned use of the right-of-way or is otherwise exempt under TMC 15.16.020, no further action will be taken. In determining the extent of the impact on the use of the right-of-way, staff may consider how long the encroachment has existed and any other relevant information.

If the encroachment is not exempt under TMC 15.16.020 and it presents a safety concern or is otherwise not in the public interest, the ROW Administrator will contact the property owner with instructions to move (if possible) or remove the encroachment. If the encroachment is not exempt under TMC 15.16.020 but staff determines that it does not need to be moved or removed, the ROW Administrator will require the property owner to execute an Easement Agreement/Encroachment (Revocable Permit) as described above, including payment of the application fee. If the property owner does not comply with instructions to move or remove the encroachment or to sign a revocable permit, the Code Enforcement Officer will take necessary steps to ensure compliance with the Code.

N.L.W.



MEMORANDUM

TO: Mayor and City Councilors
Craig Prosser, City Manager

FROM: Gus Duenas *Gus*
City Engineer

RE: Proposed IGA with CWS for Preparation of Sanitary Sewer Master Plan

DATE: January 2, 2007

The purpose of the attached IGA (Intergovernmental Agreement) with CWS (Clean Water Services) is to prepare a Sanitary Sewer Master Plan for the City. The proposed IGA will be discussed at the January 23, 2007 study session. If Council direction is to move ahead with the IGA, it will be submitted for Council consideration on the consent agenda at the February 13, 2007 meeting.

CWS is responsible for sanitary sewer pipes 24 inches in diameter and larger while the City is generally responsible for the smaller diameter pipes. CWS's current master plan is the *2000 Sewer Master Plan Update*. The plan used a computer model to simulate the sewer collection system throughout the Tualatin River basin within the Urban Growth Boundary including the City of Tigard. The model estimated peak flows to the system and proposed capacity improvements to accommodate full development of the entire basin as currently zoned.

In addition to the larger lines within the responsibility of CWS, the *2000 Sewer Master Plan Update* also included evaluation of the capacity of some smaller lines serving large areas within Tigard. The model identified nine areas within Tigard that may be of insufficient capacity. The estimated cost of the construction required to correct these deficiencies is \$2.34 million in construction costs. (These costs have been escalated from the master plan to current costs and do not include administration, engineering or a contingency.) In addition, City Public Works staff has identified three additional areas suspected of having inadequate capacity. These suspected deficiencies occur within small lines not included in the master plan. The extent of the deficiencies and cost of correction are unknown.

CWS is currently initiating a review and update of the current master plan for an amendment to include areas that are being considered for an expansion of the Urban Growth Boundary. The amendment will be prepared by a consultant hired by CWS. Because the current CWS master plan is based on estimated flows, the areas in question need to be examined in greater

detail to verify the proposed construction upgrades. Hence, the current master plan recommends measurement of the actual flows in the suspected capacity deficient areas before any actual construction projects are proposed. The master plan update will include flow monitoring to measure flows at key locations as part of the scope. The measured flows will be used to accurately determine the improvements required to remedy the capacity deficiencies. CWS will install and operate the flow monitoring equipment.

The review and update of the CWS master plan therefore provides an opportunity for the City to develop a Sanitary Sewer Master Plan for its sewer collection system as part of that update. The flow monitoring results are expected to more accurately determine the actual capacity updates required. This will allow the City to plan for capacity upgrades in those areas that really need them. The sewer master plan update is expected to provide a schedule of projects that will meet the needs of the City for the next 20 years. Projects for the next five years will be included in the City's 5-year Community Investment Program.

The estimated cost of the master plan is \$151,000. This includes \$35,000 for CWS to conduct the flow monitoring and \$116,000 for the consultant to prepare the plan. Funding is through the sewer fund and has been included in the FY 06-07 and FY 07-08 Community Investment Program. Council approval of the proposed agreement with CWS will add the preparation of a City of Tigard Sewer Master Plan to the consultant's scope of services.

c: Tom Coffee, Community Development Director
Bob Sesnon, Finance Director
Dennis Koellermeier, Public Works Director

**INTERGOVERNMENTAL AGREEMENT
BETWEEN CLEAN WATER SERVICES AND THE CITY OF TIGARD
FOR PREPARATION OF A SANITARY SEWER MASTER PLAN PROJECT NO. 6174**

This Agreement dated _____, 2006, is between Clean Water Services (District) a county service district organized under ORS Chapter 451 and the City of Tigard, Oregon (City) an Oregon municipality.

A. RECITALS

WHEREAS, ORS 190.003 - 190.110 encourages intergovernmental cooperation and authorizes local governments to delegate to each other authority to perform their respective functions as necessary.

WHEREAS, City and District intend to jointly undertake the Sanitary Sewer Master Plan Update No. 6174 (Project), to update the District Sanitary Sewer Master Plan and create new sanitary sewer master plans for the cities of Tigard and Hillsboro.

WHEREAS, City and District have agreed that the Project includes, selection of a consultant, preparation of a scope of services, negotiation of a contract, administration, and management of the consultant contracts; installation, maintenance, data collection and management of flow monitors, review of all consultant prepared documents, and preparation of a final Master Plan Document.

NOW, THEREFORE, the parties do mutually agree as follows:

B. CITY OBLIGATIONS

City shall:

1. Designate an individual to serve as City Master Plan Project Manager.
2. Review and assist in development of the Scope of Services for the Request for Proposals.
3. Assist in the consultant selection process.
4. Assist in the development of the Scope of Services for the consultant contract.
5. Participate in project meetings with District and consultant.
6. Review and provide timely comments on consultant submittals.
7. Assist District with access to manholes for flow monitoring as needed.

8. Review consultant invoices for "Tigard Master Plan" work as provided by District and provide feedback or approval to District within 2 weeks.
9. Reimburse District the cost of consultant services associated with the Tigard Master Plan Scope of Work attached as Exhibit A. Tigard Master Plan work shall not exceed \$116,000 without written consent of City.
10. Reimburse District \$35,000 for conducting flow monitoring at 9-12 sites for a period of time necessary to collect wet weather flow data and dry weather flow data. This time is estimated to be 7 months. Should the duration differ by more than 2 months from the estimate, City and District may negotiate a modified cost based upon actual labor costs to conduct monitoring, and depreciation of monitoring equipment. District will notify City at least 2 weeks prior to the end of the ninth month if additional monitoring will be necessary. City shall provide written authorization to continue monitoring beyond nine months.

C. DISTRICT OBLIGATIONS

District shall:

1. Work with City to prepare a Scope of Services for Tigard Master Plan.
2. Prepare Request for Proposals, advertise, coordinate and administer consultant selection process.
3. Negotiate contract with selected consultant.
4. Prepare technical scope of work and exhibits for consultant contract.
5. Contract with an engineering consultant for District and City master plan services.
6. Coordinate project meetings with consultant and City.
7. Coordinate review of consultant submittals.
8. Review and process all consultant invoices. District Project Manager shall confirm status of work with City Master Plan Project Manager prior to processing invoices.
9. Ensure consultant performance of work detailed in consultant contract and described in Tigard Master Plan Scope of Work attached as Exhibit A.
10. Invoice City on a regular basis as invoices are received from the consultant.
11. Make payments to the consultant.

12. Conduct flow monitoring at 9-12 sites within the Tigard local collection system for verification of modeling and/or calibration of the model as deemed necessary from modeling and monitoring results. District shall be responsible for installation, maintenance, and data collection.
13. Invoice City \$5000/month for 7 months for flow monitoring activities.
14. Record actual costs of conducting the flow monitoring should it become necessary to adjust the cost based upon the flow monitoring lasting fewer than 5 months or more than 9 months.
15. Provide City with 2 copies of the final 2006 District Master Plan Update and ten copies of the City of Tigard 2006 Sanitary Sewer Master Plan.
16. Obtain written approval from City prior to making any contract amendments with the consultant that would affect the scope of services or the cost for City.

D. GENERAL TERMS

1. Amendment of Agreement

City and District may amend this Agreement from time to time, by mutual written agreement.

2. Indemnification Clause

Subject to any provision of the Oregon Constitution and ORS 30.260-30.300 and within the limits set forth in ORS 30.270, each party hereby agrees to protect, defend, hold harmless, and indemnify the other, its officers, employees and agents of and from any claims, damages, compensation, suits, actions and expenses, including reasonable attorney's fees, occasioned in whole or in part by the negligent acts, errors or omissions of the indemnitor or its employees, while in any way engaged in the performance of this Agreement.

3. Resolution of Disputes

If any dispute arising out of this Agreement can not be resolved by the project managers from each party, the City Manager and District General Manager will attempt to resolve the issue. If the City Manager and District General Manager are not able to resolve the dispute, the parties will submit the matter to mediation, each party paying its own costs and sharing equally in common costs. In the event the dispute is not resolved in mediation, the parties will submit the matter to arbitration. The decision of the arbitrator shall be final, binding and conclusive upon the parties and subject to appeal only as

otherwise provided by Oregon law.

4. Laws and Regulations City and District agree to abide by all applicable laws and regulations.
5. Integration This document constitutes the entire agreement between the parties on the subject matter hereof and supersedes all prior or contemporaneous written or oral understandings, representations or communications of every kind on the subject. No course of dealing between the parties and no usage of trade shall be relevant to supplement any term used in this Agreement. Acceptance or acquiescence in a course of performance rendered under this Agreement shall not be relevant to determine the meaning of this agreement and no waiver by a party of any right under this Agreement shall prejudice the waiving party's exercise of the right in the future.
6. Attorney Fees If any dispute arises concerning the interpretation or enforcement of this Agreement, the prevailing party in any such dispute shall be entitled to recover all of its attorney fees, paralegal fees, costs, disbursements and other expenses from the nonprevailing party, including without limitation those arising before and at any trial, arbitration, bankruptcy, or other proceeding and in any appeal.
7. Term of Agreement This Agreement is effective from the date of execution by both parties until the completion of all obligations created by this Agreement.
8. Termination This Agreement may be terminated only by mutual written agreement of both parties.
9. Interpretation of Agreement
 - A. This Agreement shall not be construed for or against any party by reason of the authorship or alleged authorship of any provision.
 - B. The paragraph headings contained in this Agreement are for ease of reference only and shall not be used in constructing or interpreting this Agreement.
10. Severability/Survival If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions shall not be impaired. All provisions concerning the limitation of liability, indemnity and conflicts of interest shall survive the termination of this Agreement for any cause.
11. Approval Required This Agreement and all amendments shall become effective when approved by 1) District's General Manager or the General Manager's designee and, when required by applicable District rules, District's Board of Directors and 2) the City Council and the City Manager.

12. Choice of Law / Venue This Agreement and all rights, obligations and disputes arising out of the Agreement shall be governed by Oregon law. All disputes and litigation arising out of this Agreement shall be decided by the state courts in Oregon. Venue for all disputes and litigation shall be in Washington County, Oregon.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year first written above.

CITY OF TIGARD, OREGON

By: _____
Craig Prosser, City Manager
City of Tigard

CLEAN WATER SERVICES

By: _____
Bill Gaffi, General Manager

APPROVED AS TO FORM

District Counsel

City of Tigard

1. Identify Rehabilitation Needs and Maintenance Issues

Objective: The objective of this task is to identify those portions of the Tigard sewer system that are experiencing capacity, surcharging, significant I/I, and/or maintenance, problems and are in need of rehabilitation.

Task Description

Consultant shall interview City engineering and operations staff and utilize large scale maps, aerial photographs and maintenance records to identify problem areas in the collection system. The following topics shall be addressed in the interviews:

- System condition and performance in sewer lines
- Known hydraulic bottlenecks, overflows, blockages, and other recurring O&M issues

2. Evaluate Identified Problems

Objective: The objective of this task is evaluate the underlying issues creating the observed system problems not associated with capacity that were identified in Task 1.

Task Description

Consultant shall conduct one or more of the following activities to evaluate the non-capacity items of concern identified in Task 1:

- Review of record drawings
- Review of system age information
- Review of available closed circuit television inspection records.

Consultant may also recommend additional CCTV inspections that appear to be warranted

Following investigation of deficiencies, consultant shall rank problems by level of severity and risk based upon anecdotal information and formal documentation.

Deliverables

Technical Memo T-1 - summarizing the findings of the evaluation and recommended course of action. A system map will be prepared coding priority of the work and method of rehabilitation. The recommendations will include modifications to the structural data in the District Hydra model where needed.

3. Conduct Flow Monitoring

Objective: The objective of this task is to conduct flow monitoring in areas that have been identified as potential over-capacity portions of the system. The flow monitoring data shall be sufficient to calibrate the Hydra model for the sub-basins identified.

Task Description

A. Flow Monitoring Plan

Consultant will work with District and City staff to develop a Flow Monitoring Plan. The Plan will include:

- Recommended flow metering locations, selected to measure I/I in areas affecting the nine sewer reaches with apparent capacity limitations identified in previous modeling, plus three additional reaches. The sites selection criteria will also include maximizing coverage of the collection system and differentiating between various sub-regions.
- Identification of the personnel, roles, schedule, and general procedures for the monitoring program. This portion of the plan will be developed in large part by District staff, in consultation with Consultant and City staff for coordination of resources.

Consultant will attend a metering program kick-off meeting with City and District staff to review and finalize the Flow Monitoring Plan and schedule, and identify key team contacts and lines of communication between the metering team and the City.

B. Site Assessments

Consultant will participate during the initial site field assessments to be conducted by District staff, and review recommendations of the metering installation team regarding suitability of the selected sites.

C. Metering Program Coordination

Consultant will coordinate flow monitoring activities and facilitate good communication throughout the flow monitoring period. This will include participation in key portions of the field work. We will periodically review the flow data to monitor the success of the metering program and to assess the nature of peak flow events captured by the meters. Consultant will meet twice with City and District staff during the metering period to discuss preliminary results and to determine when sufficient data has been collected such that the metering program can be terminated. District will provide flow metering data in spreadsheet format that has been subjected to quality control review and can be relied upon as an acceptable representation of flows at the metered locations for the purposes of model calibration.

4. Refine the District Hydra Model

Objective: The objective of this task is to determine where capacity restrictions exist based upon modeling and observation of high flows. Where metering results

verify a potential for surcharging, the District Hydra model shall be calibrated using data from flow monitoring in the Tigard Area.

Task Description

Consultant shall perform the following tasks to determine where calibration is necessary and to calibrate the model:

- Process the flow meter and rainfall data into wet and dry season templates
- Determine wet weather:dry weather flow ratios under various rainfall events
- Compare wet-weather flows with modeled wet-weather flow projections under similar storm condition
- Where wet-weather flows exceed the flows projected by the uncalibrated model AND the model projects pipe surcharging, calibration of the model to the metered flows for the given sub-basin shall be conducted.
- Where wet-weather flows do not exceed the flows projected by the uncalibrated model or the model does not project pipe surcharging, I/I input parameters shall be adjusted to more closely match the observed flow rates, but calibration of the model to the metered flows for the given sub-basin shall not be conducted.
- When calibration is determined to be necessary, the following procedure shall be followed:
- Revise the dry and wet weather spreadsheet tools to associate sewersheds with the flow meter.
- Revise the dry-season Defects database for the Hydra model.
- Set up graphing tools for dry-season calibration
- Calibrate to dry-season flows metered during the upcoming dry weather season.
- Select wet-weather events for calibrating the Tigard system (moderate antecedent condition).
- Set up graphing tools for wet-weather event calibration.
- Prepare first-cut estimates for I/I ratios using a graphical method for each flow meter.
- Revise the monitor defects summary spreadsheet by adding the flow meters and estimated parameters.
- Revise wet-weather Defects database.
- Calibrate the Tigard area captured by flow meters to selected storm events.
- Determine unit I/I rates for existing land use conditions and the 5-year 24-hour design storm by sewershed.

Deliverables

Technical Memo T-2 presenting flow metering results and determination of which sub-basins are recommended for calibration,, I/I calibration and recommended modeling parameters. Updated model input files and results tables.

5. Develop Capital Improvement Plan

Objective: The objective of this task is to assess the priority of identified projects and categorize them near-term or development driven.

Task Description

Consultant shall develop recommended improvements and/or maintenance activities to address each of the problem areas identified under Tasks 2 and 4. The analysis will include consideration of replacement vs. rehabilitation with respect to costs, I/I reduction, and system age or other factors. The cost estimating methodologies developed for the District Master Plan Update will be used to estimate costs of proposed improvements. The improvements, along with those identified in the Hydra model run, shall be listed in a capital improvement plan and categorized as near-term or development driven.

Each CIP project shall be presented with a project map and project description, justification and estimated project cost.

Consultant shall develop recommendations for an ongoing assessment and I/I reduction program including flow metering, video inspection, and smoke testing. Consultant shall present the draft CIP and program recommendations to City staff for review prior to producing the technical memorandum.

Deliverables

Technical Memo T3 –Five-Year Capital Improvement documenting individual projects with descriptions, justification, and maps. Digital Mapping files shall be provided.

6. Prepare Tigard Master Plan

Objective: The objective of this task is to compile the findings of Tigard Tasks 1-4 documented in Technical Memoranda T-1, T-2 and T-3 as well as data compiled from the District Master Plan into a comprehensive document that will serve as a tool and guiding document for the City of Tigard sanitary sewer operations .

Task Description

Consultant shall compile selected District and City technical memoranda, supplemented with background text in a master plan document. The document shall reflect review comments on the technical memoranda, and will incorporate, as appendices, detailed data used to develop the conclusions and recommendations. Recommended improvement projects will be presented on a collection system map.

Deliverables

City of Tigard 2006 Sanitary Sewer Master Plan – Consultant shall compile findings and recommendations for future sanitary sewer conveyance system improvements. Report shall be divided into logical sections documenting

background, process used in developing the plan, assumptions, modeling results, and recommendations. Appendices shall include data and technical memo used to develop the conclusions and recommendations in the report.

Consultant shall produce 5 paper draft copies of the Master Plan for review by the City and District. Following City and District review, Consultant shall produce 10 final paper copies and an electronic version in pdf format.

Project Management and Quality Control

Consultant shall conduct the activities necessary to produce a quality product while maintaining good coordination and communication with the District and City. The project management and quality control activities include:

- 1) Preparing and maintaining a Project Management Plan addressing project team organization, roles and responsibilities, schedule, budget, and QA/QC procedures.
- 2) Meetings with District Project Manager on a schedule to be determined to discuss progress and overall direction of the project at key milestones and decision points.
- 3) Monitoring project progress by tracking work completed, work remaining, budget expended, schedule, estimated cost of work remaining, and estimated cost at completion.
- 4) Monitoring staff availability and making adjustments as necessary to assure availability for the Master Plan Update project.
- 5) Preparing and submitting a monthly narrative report, invoice, and progress schedule.
- 6) Preparing and implementing teaming and partnering plans.
- 7) Identifying responsibilities for review of key work products.
- 8) Performing quality controls reviews on all project deliverables prior to submittal to the District and City. Reviewing documents to confirm approach taken and material developed conforms to the needs of the project. Checking overall quality of the document, technical accuracy and adherence to established standards.

Project Management and Quality Control deliverables include:

- 1) Project management Plan
- 2) Meeting minutes
- 3) Periodic schedule updates
- 4) Monthly Status report with invoices
- 5) QA/QC Plan including teaming and partnering plans.



MEMORANDUM

TO: Mayor and City Councilors
Craig Prosser, City Manager

FROM: Gus Duenas *Gus*
City Engineer

RE: Proposed IGA with CWS for Preparation of Sanitary Sewer Master Plan

DATE: January 2, 2007

The purpose of the attached IGA (Intergovernmental Agreement) with CWS (Clean Water Services) is to prepare a Sanitary Sewer Master Plan for the City. The proposed IGA will be discussed at the January 23, 2007 study session. If Council direction is to move ahead with the IGA, it will be submitted for Council consideration on the consent agenda at the February 13, 2007 meeting.

CWS is responsible for sanitary sewer pipes 24 inches in diameter and larger while the City is generally responsible for the smaller diameter pipes. CWS's current master plan is the *2000 Sewer Master Plan Update*. The plan used a computer model to simulate the sewer collection system throughout the Tualatin River basin within the Urban Growth Boundary including the City of Tigard. The model estimated peak flows to the system and proposed capacity improvements to accommodate full development of the entire basin as currently zoned.

In addition to the larger lines within the responsibility of CWS, the *2000 Sewer Master Plan Update* also included evaluation of the capacity of some smaller lines serving large areas within Tigard. The model identified nine areas within Tigard that may be of insufficient capacity. The estimated cost of the construction required to correct these deficiencies is \$2.34 million in construction costs. (These costs have been escalated from the master plan to current costs and do not include administration, engineering or a contingency.) In addition, City Public Works staff has identified three additional areas suspected of having inadequate capacity. These suspected deficiencies occur within small lines not included in the master plan. The extent of the deficiencies and cost of correction are unknown.

CWS is currently initiating a review and update of the current master plan for an amendment to include areas that are being considered for an expansion of the Urban Growth Boundary. The amendment will be prepared by a consultant hired by CWS. Because the current CWS master plan is based on estimated flows, the areas in question need to be examined in greater

detail to verify the proposed construction upgrades. Hence, the current master plan recommends measurement of the actual flows in the suspected capacity deficient areas before any actual construction projects are proposed. The master plan update will include flow monitoring to measure flows at key locations as part of the scope. The measured flows will be used to accurately determine the improvements required to remedy the capacity deficiencies. CWS will install and operate the flow monitoring equipment.

The review and update of the CWS master plan therefore provides an opportunity for the City to develop a Sanitary Sewer Master Plan for its sewer collection system as part of that update. The flow monitoring results are expected to more accurately determine the actual capacity updates required. This will allow the City to plan for capacity upgrades in those areas that really need them. The sewer master plan update is expected to provide a schedule of projects that will meet the needs of the City for the next 20 years. Projects for the next five years will be included in the City's 5-year Community Investment Program.

The estimated cost of the master plan is \$151,000. This includes \$35,000 for CWS to conduct the flow monitoring and \$116,000 for the consultant to prepare the plan. Funding is through the sewer fund and has been included in the FY 06-07 and FY 07-08 Community Investment Program. Council approval of the proposed agreement with CWS will add the preparation of a City of Tigard Sewer Master Plan to the consultant's scope of services.

c: Tom Coffee, Community Development Director
Bob Sesnon, Finance Director
Dennis Koellermeier, Public Works Director

**INTERGOVERNMENTAL AGREEMENT
BETWEEN CLEAN WATER SERVICES AND THE CITY OF TIGARD
FOR PREPARATION OF A SANITARY SEWER MASTER PLAN PROJECT NO. 6174**

This Agreement dated _____, 2006, is between Clean Water Services (District) a county service district organized under ORS Chapter 451 and the City of Tigard, Oregon (City) an Oregon municipality.

A. RECITALS

WHEREAS, ORS 190.003 - 190.110 encourages intergovernmental cooperation and authorizes local governments to delegate to each other authority to perform their respective functions as necessary.

WHEREAS, City and District intend to jointly undertake the Sanitary Sewer Master Plan Update No. 6174 (Project), to update the District Sanitary Sewer Master Plan and create new sanitary sewer master plans for the cities of Tigard and Hillsboro.

WHEREAS, City and District have agreed that the Project includes, selection of a consultant, preparation of a scope of services, negotiation of a contract, administration, and management of the consultant contracts; installation, maintenance, data collection and management of flow monitors, review of all consultant prepared documents, and preparation of a final Master Plan Document.

NOW, THEREFORE, the parties do mutually agree as follows:

B. CITY OBLIGATIONS

City shall:

1. Designate an individual to serve as City Master Plan Project Manager.
2. Review and assist in development of the Scope of Services for the Request for Proposals.
3. Assist in the consultant selection process.
4. Assist in the development of the Scope of Services for the consultant contract.
5. Participate in project meetings with District and consultant.
6. Review and provide timely comments on consultant submittals.
7. Assist District with access to manholes for flow monitoring as needed.

8. Review consultant invoices for "Tigard Master Plan" work as provided by District and provide feedback or approval to District within 2 weeks.
9. Reimburse District the cost of consultant services associated with the Tigard Master Plan Scope of Work attached as Exhibit A. Tigard Master Plan work shall not exceed \$116,000 without written consent of City.
10. Reimburse District \$35,000 for conducting flow monitoring at 9-12 sites for a period of time necessary to collect wet weather flow data and dry weather flow data. This time is estimated to be 7 months. Should the duration differ by more than 2 months from the estimate, City and District may negotiate a modified cost based upon actual labor costs to conduct monitoring, and depreciation of monitoring equipment. District will notify City at least 2 weeks prior to the end of the ninth month if additional monitoring will be necessary. City shall provide written authorization to continue monitoring beyond nine months.

C. DISTRICT OBLIGATIONS

District shall:

1. Work with City to prepare a Scope of Services for Tigard Master Plan.
2. Prepare Request for Proposals, advertise, coordinate and administer consultant selection process.
3. Negotiate contract with selected consultant.
4. Prepare technical scope of work and exhibits for consultant contract.
5. Contract with an engineering consultant for District and City master plan services.
6. Coordinate project meetings with consultant and City.
7. Coordinate review of consultant submittals.
8. Review and process all consultant invoices. District Project Manager shall confirm status of work with City Master Plan Project Manager prior to processing invoices.
9. Ensure consultant performance of work detailed in consultant contract and described in Tigard Master Plan Scope of Work attached as Exhibit A.
10. Invoice City on a regular basis as invoices are received from the consultant.
11. Make payments to the consultant.

12. Conduct flow monitoring at 9-12 sites within the Tigard local collection system for verification of modeling and/or calibration of the model as deemed necessary from modeling and monitoring results. District shall be responsible for installation, maintenance, and data collection.
13. Invoice City \$5000/month for 7 months for flow monitoring activities.
14. Record actual costs of conducting the flow monitoring should it become necessary to adjust the cost based upon the flow monitoring lasting fewer than 5 months or more than 9 months.
15. Provide City with 2 copies of the final 2006 District Master Plan Update and ten copies of the City of Tigard 2006 Sanitary Sewer Master Plan.
16. Obtain written approval from City prior to making any contract amendments with the consultant that would affect the scope of services or the cost for City.

D. GENERAL TERMS

1. Amendment of Agreement

City and District may amend this Agreement from time to time, by mutual written agreement.

2. Indemnification Clause

Subject to any provision of the Oregon Constitution and ORS 30.260-30.300 and within the limits set forth in ORS 30.270, each party hereby agrees to protect, defend, hold harmless, and indemnify the other, its officers, employees and agents of and from any claims, damages, compensation, suits, actions and expenses, including reasonable attorney's fees, occasioned in whole or in part by the negligent acts, errors or omissions of the indemnitor or its employees, while in any way engaged in the performance of this Agreement.

3. Resolution of Disputes

If any dispute arising out of this Agreement can not be resolved by the project managers from each party, the City Manager and District General Manager will attempt to resolve the issue. If the City Manager and District General Manager are not able to resolve the dispute, the parties will submit the matter to mediation, each party paying its own costs and sharing equally in common costs. In the event the dispute is not resolved in mediation, the parties will submit the matter to arbitration. The decision of the arbitrator shall be final, binding and conclusive upon the parties and subject to appeal only as

otherwise provided by Oregon law.

4. Laws and Regulations City and District agree to abide by all applicable laws and regulations.
5. Integration This document constitutes the entire agreement between the parties on the subject matter hereof and supersedes all prior or contemporaneous written or oral understandings, representations or communications of every kind on the subject. No course of dealing between the parties and no usage of trade shall be relevant to supplement any term used in this Agreement. Acceptance or acquiescence in a course of performance rendered under this Agreement shall not be relevant to determine the meaning of this agreement and no waiver by a party of any right under this Agreement shall prejudice the waiving party's exercise of the right in the future.
6. Attorney Fees If any dispute arises concerning the interpretation or enforcement of this Agreement, the prevailing party in any such dispute shall be entitled to recover all of its attorney fees, paralegal fees, costs, disbursements and other expenses from the nonprevailing party, including without limitation those arising before and at any trial, arbitration, bankruptcy, or other proceeding and in any appeal.
7. Term of Agreement This Agreement is effective from the date of execution by both parties until the completion of all obligations created by this Agreement.
8. Termination This Agreement may be terminated only by mutual written agreement of both parties.
9. Interpretation of Agreement
 - A. This Agreement shall not be construed for or against any party by reason of the authorship or alleged authorship of any provision.
 - B. The paragraph headings contained in this Agreement are for ease of reference only and shall not be used in constructing or interpreting this Agreement.
10. Severability/Survival If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions shall not be impaired. All provisions concerning the limitation of liability, indemnity and conflicts of interest shall survive the termination of this Agreement for any cause.
11. Approval Required This Agreement and all amendments shall become effective when approved by 1) District's General Manager or the General Manager's designee and, when required by applicable District rules, District's Board of Directors and 2) the City Council and the City Manager.

12. Choice of Law / Venue This Agreement and all rights, obligations and disputes arising out of the Agreement shall be governed by Oregon law. All disputes and litigation arising out of this Agreement shall be decided by the state courts in Oregon. Venue for all disputes and litigation shall be in Washington County, Oregon.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year first written above.

CITY OF TIGARD, OREGON

By: _____
Craig Prosser, City Manager
City of Tigard

CLEAN WATER SERVICES

By: _____
Bill Gaffi, General Manager

APPROVED AS TO FORM

District Counsel

City of Tigard

1. Identify Rehabilitation Needs and Maintenance Issues

Objective: The objective of this task is to identify those portions of the Tigard sewer system that are experiencing capacity, surcharging, significant I/I, and/or maintenance, problems and are in need of rehabilitation.

Task Description

Consultant shall interview City engineering and operations staff and utilize large scale maps, aerial photographs and maintenance records to identify problem areas in the collection system. The following topics shall be addressed in the interviews:

- System condition and performance in sewer lines
- Known hydraulic bottlenecks, overflows, blockages, and other recurring O&M issues

2. Evaluate Identified Problems

Objective: The objective of this task is evaluate the underlying issues creating the observed system problems not associated with capacity that were identified in Task 1.

Task Description

Consultant shall conduct one or more of the following activities to evaluate the non-capacity items of concern identified in Task 1:

- Review of record drawings
- Review of system age information
- Review of available closed circuit television inspection records.

Consultant may also recommend additional CCTV inspections that appear to be warranted

Following investigation of deficiencies, consultant shall rank problems by level of severity and risk based upon anecdotal information and formal documentation.

Deliverables

Technical Memo T-1 - summarizing the findings of the evaluation and recommended course of action. A system map will be prepared coding priority of the work and method of rehabilitation. The recommendations will include modifications to the structural data in the District Hydra model where needed.

3. Conduct Flow Monitoring

Objective: The objective of this task is to conduct flow monitoring in areas that have been identified as potential over-capacity portions of the system. The flow monitoring data shall be sufficient to calibrate the Hydra model for the sub-basins identified.

Task Description

A. Flow Monitoring Plan

Consultant will work with District and City staff to develop a Flow Monitoring Plan. The Plan will include:

- Recommended flow metering locations, selected to measure I/I in areas affecting the nine sewer reaches with apparent capacity limitations identified in previous modeling, plus three additional reaches. The sites selection criteria will also include maximizing coverage of the collection system and differentiating between various sub-regions.
- Identification of the personnel, roles, schedule, and general procedures for the monitoring program. This portion of the plan will be developed in large part by District staff, in consultation with Consultant and City staff for coordination of resources.

Consultant will attend a metering program kick-off meeting with City and District staff to review and finalize the Flow Monitoring Plan and schedule, and identify key team contacts and lines of communication between the metering team and the City.

B. Site Assessments

Consultant will participate during the initial site field assessments to be conducted by District staff, and review recommendations of the metering installation team regarding suitability of the selected sites.

C. Metering Program Coordination

Consultant will coordinate flow monitoring activities and facilitate good communication throughout the flow monitoring period. This will include participation in key portions of the field work. We will periodically review the flow data to monitor the success of the metering program and to assess the nature of peak flow events captured by the meters. Consultant will meet twice with City and District staff during the metering period to discuss preliminary results and to determine when sufficient data has been collected such that the metering program can be terminated. District will provide flow metering data in spreadsheet format that has been subjected to quality control review and can be relied upon as an acceptable representation of flows at the metered locations for the purposes of model calibration.

4. Refine the District Hydra Model

Objective: The objective of this task is to determine where capacity restrictions exist based upon modeling and observation of high flows. Where metering results

verify a potential for surcharging, the District Hydra model shall be calibrated using data from flow monitoring in the Tigard Area.

Task Description

Consultant shall perform the following tasks to determine where calibration is necessary and to calibrate the model:

- Process the flow meter and rainfall data into wet and dry season templates
- Determine wet weather:dry weather flow ratios under various rainfall events
- Compare wet-weather flows with modeled wet-weather flow projections under similar storm condition
- Where wet-weather flows exceed the flows projected by the uncalibrated model AND the model projects pipe surcharging, calibration of the model to the metered flows for the given sub-basin shall be conducted.
- Where wet-weather flows do not exceed the flows projected by the uncalibrated model or the model does not project pipe surcharging, I/I input parameters shall be adjusted to more closely match the observed flow rates, but calibration of the model to the metered flows for the given sub-basin shall not be conducted.
- When calibration is determined to be necessary, the following procedure shall be followed:
- Revise the dry and wet weather spreadsheet tools to associate sewersheds with the flow meter.
- Revise the dry-season Defects database for the Hydra model.
- Set up graphing tools for dry-season calibration
- Calibrate to dry-season flows metered during the upcoming dry weather season.
- Select wet-weather events for calibrating the Tigard system (moderate antecedent condition).
- Set up graphing tools for wet-weather event calibration.
- Prepare first-cut estimates for I/I ratios using a graphical method for each flow meter.
- Revise the monitor defects summary spreadsheet by adding the flow meters and estimated parameters.
- Revise wet-weather Defects database.
- Calibrate the Tigard area captured by flow meters to selected storm events.
- Determine unit I/I rates for existing land use conditions and the 5-year 24-hour design storm by sewershed.

Deliverables

Technical Memo T-2 presenting flow metering results and determination of which sub-basins are recommended for calibration,, I/I calibration and recommended modeling parameters. Updated model input files and results tables.

5. Develop Capital Improvement Plan

Objective: The objective of this task is to assess the priority of identified projects and categorize them near-term or development driven.

Task Description

Consultant shall develop recommended improvements and/or maintenance activities to address each of the problem areas identified under Tasks 2 and 4. The analysis will include consideration of replacement vs. rehabilitation with respect to costs, I/I reduction, and system age or other factors. The cost estimating methodologies developed for the District Master Plan Update will be used to estimate costs of proposed improvements. The improvements, along with those identified in the Hydra model run, shall be listed in a capital improvement plan and categorized as near-term or development driven.

Each CIP project shall be presented with a project map and project description, justification and estimated project cost.

Consultant shall develop recommendations for an ongoing assessment and I/I reduction program including flow metering, video inspection, and smoke testing. Consultant shall present the draft CIP and program recommendations to City staff for review prior to producing the technical memorandum.

Deliverables

Technical Memo T3 –Five-Year Capital Improvement documenting individual projects with descriptions, justification, and maps. Digital Mapping files shall be provided.

6. Prepare Tigard Master Plan

Objective: The objective of this task is to compile the findings of Tigard Tasks 1-4 documented in Technical Memoranda T-1, T-2 and T-3 as well as data compiled from the District Master Plan into a comprehensive document that will serve as a tool and guiding document for the City of Tigard sanitary sewer operations .

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City of Tigard 2006 Sanitary Sewer Master Plan – Consultant shall compile findings and recommendations for future sanitary sewer conveyance system improvements. Report shall be divided into logical sections documenting

background, process used in developing the plan, assumptions, modeling results, and recommendations. Appendices shall include data and technical memo used to develop the conclusions and recommendations in the report.

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Project Management and Quality Control

Consultant shall conduct the activities necessary to produce a quality product while maintaining good coordination and communication with the District and City. The project management and quality control activities include:

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Project Management and Quality Control deliverables include:

- 1) Project management Plan
- 2) Meeting minutes
- 3) Periodic schedule updates
- 4) Monthly Status report with invoices
- 5) QA/QC Plan including teaming and partnering plans.



MEMORANDUM

TO: Mayor and City Councilors
Craig Prosser, City Manager

FROM: Gus Duenas, City Engineer *Gus*

RE: Additional Funding Request for Pavement Management Services

DATE: January 18, 2007

The supplemental funding request to allow award of a contract for the full range of pavement management services needed to establish a new 5-year street maintenance plan and re-evaluate the current Street Maintenance Fee rates was scheduled for discussion with Council at the workshop meeting on January 16, 2007. Because of inclement weather and icy conditions, the Council meeting was cancelled and the discussion is now scheduled for the study session at the meeting on January 23, 2007.

The budget amendment to provide the additional funding was originally scheduled for the consent agenda at the January 23, 2007 meeting, and will remain on the agenda. In addition, the selection committee has completed the selection process and recommends that IMS Infrastructure Management Services be awarded a contract on an as-required basis to provide pavement management services for the City. Because the street condition ratings need to be updated as soon as possible to establish a new 5-year street maintenance plan, the contract award has also been added to the consent agenda at the January 23, 2007 meeting. Council approval of the budget amendment and LCRB approval of the contract award at the same meeting would allow the work to begin without delay.

Attached for your information are the documents prepared for the January 16, 2007 meeting. The information provided explains the need for the additional funding to contract for pavement management services and begin the process for re-evaluation of the Street Maintenance Fee rates.

If Council agrees with the request for additional funding at the study session, the budget amendment to provide the funding and the contract award will be on the consent agenda during the business meeting of January 23, 2007 for Council consideration. If Council does not agree with the request, the two agenda items will be removed from the consent agenda.

Attachment

c: Tom Coffee, Community Development Department Director

Agenda Item #

Meeting Date

Study
Session
January 23, 2007

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Additional Funding Request for Pavement Management Services

Prepared By: A.P. Duenas

Dept Head Okay APORTE

City Mgr Okay _____

ISSUE BEFORE THE COUNCIL

Council direction will be requested on whether or not to proceed with a budget amendment to provide supplemental funding for pavement management services needed to establish a new 5-year street maintenance plan and re-evaluate the current Street Maintenance Fee rates based on that new plan.

STAFF RECOMMENDATION

That Council approve the request to move ahead with a budget amendment and direct staff to prepare the amendment and submit it for Council consideration at the January 23, 2007 Council meeting.

KEY FACTS AND INFORMATION SUMMARY

Ordinance No. 03-10 establishing the Street Maintenance Fee requires re-evaluation of the current fee rates after three full years of collections. Before the fee rates can be re-evaluated, the street condition ratings must be updated so that a new 5-year street maintenance plan can be developed based on those ratings.

The budgeted amount of \$30,000 in the FY 2006-07 operating budget is insufficient to provide the full range of services needed to allow for the establishment of the new 5-year street maintenance plan. The responses to the RFP (Request for Proposals) were for full services envisioned with the potential for additional services needed before the end of FY 2006-07. The \$81,800 proposal by IMS included anticipated fees from Hansen for their portion of the work. The Stantec proposal of \$74,043 did not include those fees, which are expected to be \$5,000 or more. The two proposals are basically equivalent in cost. The two proposals have been carefully evaluated and the selection committee recommends award of a pavement management services contract on an as-required basis to IMS Infrastructure Management Services with an initial work order amount of \$81,800 and subsequent work orders as needed for the remainder of the fiscal year. A supplemental amount of \$70,000 is therefore requested to allow for award of that contract for the pavement management services and for any additional services that may be needed during the remainder of FY 2006-07.

The re-evaluation of the Street Maintenance Fee rates must be completed during the next few months. If Council approves the request for additional funding for those services, a budget amendment will be submitted for Council consideration together with a request for Local Contract Review Board contract award to IMS, both on the consent agenda at the January 23, 2007 Council meeting. The additional funding will provide the means to update the street condition ratings, establish a new 5-year street maintenance plan, and re-evaluate the Street Maintenance Fee rates in a timely manner for incorporation into the FY 2007-08 budget formulation process.

OTHER ALTERNATIVES CONSIDERED

Do not submit the budget amendment to provide the supplemental funding and the contract award request.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Timely maintenance of the public street infrastructure meets the Tigard Beyond Tomorrow goal of *Improve Traffic Safety*.

ATTACHMENT LIST

Memorandum from the City Engineer to the Community Development Department Director dated January 4, 2007 explaining the need for the supplemental funding.

FISCAL NOTES

The FY 2006-07 Community Development Department budget includes \$30,000 for pavement management services needed to update the street condition ratings, establish a new 5-year street maintenance plan, and subsequently re-evaluate the current Street Maintenance Fee charges as required by Ordinance No. 03-10. Based on the full scope of services developed in consultation with firms that provide those services, that budgeted amount needs to be supplemented with an additional \$70,000 to contract for those services and to provide a contingency amount for additional services that may be required during the remainder of FY 2006-07. The additional work will be paid for by Street Maintenance Fee and Gas Tax revenues. A budget amendment to provide the additional funding is on the consent agenda for Council consideration at the January 23, 2007 meeting.



MEMORANDUM

TO: Tom Coffee
Community Development Department Director

FROM: Gus Duenas *Gus*
City Engineer

RE: Request for Additional Funding
Pavement Management Services

DATE: January 4, 2007

The Street Maintenance Fee was established by Ordinance 3-10 in November 2003 and collections began in April 2004. The ordinance establishing the fee requires re-evaluation of the fee after three full years of collections. This re-evaluation must be completed during the next few months. It requires updating of the street condition ratings and establishment of a new 5-year maintenance plan, which will be used to determine the new residential and non-residential charges.

The decision was made a couple of years ago to convert the current Pavement Management software to the Hansen System. This would allow the Community Development staff to share information with Public Works staff already using various modules in that system. We purchased the Hansen Pavement Management Module in FY 2005-06, but were not able to activate it until the servers were upgraded to run the entire Hansen system adequately. The amount of \$30,000 is included in the FY 2006-07 Capital Construction and Transportation Division budget for pavement management services via consultant to update the street condition ratings and to train staff in the use of the Pavement Management Module.

During discussions with consultants in the preparation of the scope of work for the RFP (Request for Proposals), we found out that there is a lot more involved than updating of the ratings and training. The initial setup prior to the physical inspections, the data entry and conversion, the uploading of the data to Hansen, the certification of the data by Hansen, the creation of the reports needed, and any other services required after the training is completed are all necessary to ensure that the system is operational and able to be used by the City staff. Included in the overall costs are the fees that Hansen charges for their part of the process. So that the product can be complete as possible, we included digital photo acquisition in the RFP scope as part of the street rating updates to provide visual documentation of street segments.

The costs for those services are significant and were not anticipated during the budget formulation for this fiscal year. The work is best performed by consultants that are fully familiar with the Hansen System and are able to closely coordinate the data preparation, conversion, and upload so that it can be certified by Hansen. We, as City staff, do not want to assume responsibility for part of the scope

since we are not conversant with the process necessary to produce a fully operational system. The scope of work developed for the RFP therefore reflects the full services needed to establish the new system, to certify the data with Hansen, to ensure that the reports are the ones desired, and to fully train staff in the use of the software.

There were two proposals (Stantec and IMS) submitted in response to the RFP, both from firms that have performed this type of work successfully. Both are in the range of \$80,000 to \$85,000 for the effort required by the scope of work. Attached are the fee schedules from each firm showing the tasks to be performed and the compensation involved. The firm with the lower fee proposal did not include the Hansen certification fees, which may be \$5,000 or more. As a result, the two firms are basically equivalent in terms of fee proposal. Any services beyond the scope shown in the attachments would be at additional cost.

To ensure that sufficient funding is available during FY 2006-07, I request that the budgeted amount of \$30,000 be increased to \$100,000 to award the contract and provide a contingency amount for any additional services that may be needed as the contract is executed. This would require an additional amount of \$70,000 to supplement the budgeted amount.

The current budgeted amount of \$30,000 is funded from the Street Maintenance Fee revenue. So that the Street Maintenance Fee Fund is not unduly burdened by the increased cost of the pavement management services, I propose that the supplemental amount be charged to the following:

Street Maintenance Fee Fund:	\$20,000
Gas Tax Fund:	\$50,000

With the supplemental amount, each fund would be charged half of the total amount of \$100,000 needed for the services.

I have discussed the need for this additional funding with Michelle Wareing of the Finance Department. This memorandum provides the justification she needs to begin the process for providing the supplemental amount.

The consultant selection committee is in the process of evaluating the proposals and will make a selection within the next two weeks. The consultant selected and awarded the contract would be able to complete the street rating work during any period that provides several days of relatively dry weather. We would like to move ahead quickly with this work so that establishment of the new 5-year maintenance plan and the re-evaluation of the fee can be completed and the new charges incorporated into the City's budget formulation process for FY 2007-08.

Attachments

c: Vannie Nguyen, CIP Manager
Marco Cabanillas, Project Engineer

4.0 COMPENSATION

4.1 FEE BASIS AND DELIVERABLES

The fee schedule presented herein is based on the IMS work plan and deliverables. A summary of the deliverables is as follows:

Task 1.0 – Project Initiation

- A technical memorandum outlining the approved project scope, deliverables and schedule.
- A technical memorandum defining the limits of the survey program and QA/QC procedures.
- A street inventory containing all existing streets to be surveyed plus identification of the location of new streets to be added to the surveys and database(s).
- One site meeting is planned for the project kick off meeting and confirming the scope of work.

Task 2.0 – Field Surveys

- A technical memorandum documenting the results of the project calibrations.
- Pavement surface distress data collection of 145 centerline miles of roadway. IMS will two pass test all roadways greater than 3 lanes bringing the adjusted mileage to 180 test miles.
- Updating the streets inventory and sectional attributes, including ownership.
- Collection of GPS and digital image data.
- The following project meetings are planned:
2 – meetings with the RST crew chief, one prior to the surveys and one at the completion of the surveys to review the data collection coverage.

Task 3.0 – Data Management

- System configuration of the Hansen V8 PMS.
- Pavement condition data loaded into the City's software application.
- Exceptions reports for inventory, length and attributes.
- Digital images, and GIS linkage data as ordered.
- Software training for users of the Hansen application.
- Report & Analysis.
- The following project meetings are planned:
2 – trip for software training meetings.

4.2 SERVICES TO BE PROVIDED BY THE CITY

In accordance with the RFP, the IMS work plan and fee schedule are based on the City providing the following information and services:

- Provision of GIS topology covering the survey area.
- Participation in the review of traffic volumes, unit rates and strategies.
- Access to the client sites and Hansen applications for implementation and loading.
- Provision of street width information if required.
- Participation in the software training

FEE SCHEDULE

The project will be completed using a combination of unit rate and lump sum based activities. Activities that can be physically measured – such as miles of road surveyed, will be completed on a unit rate basis. This will ensure each agency is only charged for the actual miles surveyed and approved. The spreadsheet presented on the following page is based on the IMS work plan and deliverables. It represents a realistic budget to complete the work, and we are confident we can maintain an on-time, on-budget approach to the assignment.

Task Activity	Quant	Units	Unit Rate	Total
A. Data Acquisition				
Project Initiation	1	LS	\$2,500.00	\$2,500.00
Network Referencing	180	MI	\$10.00	\$1,800.00
Distress Protocols	1	LS	\$1,500.00	\$1,500.00
Mobilization	1	LS	\$2,500.00	\$2,500.00
Pavement Data Collection	180	MI	\$100.00	\$18,000.00
B. Digital Photo Acquisition				
Digital Images	180	MI	\$12.00	\$2,160.00
C. Data Evaluation				
Data QA/QC, Format, and Processing	180	MI	\$20.00	\$3,600.00
GIS Linkage	180	MI	\$18.00	\$3,240.00
D. Data Entry				
IMS to Hansen Segment Based Condition Data Entry	8	Da	\$1,500.00	\$12,000.00
PMS Data Conversion Certification	3	Da	\$1,500.00	\$4,500.00
E. System Configuration				
System PMS Configuration	10	Da	\$1,500.00	\$15,000.00
F. Detailed Final Report				
Report & Analysis Development	8	Da	\$1,500.00	\$12,000.00
G. Staff Training				
On-site Training for Hansen PMS	5	Da	\$1,500.00	\$7,500.00
Eskel Porter Out Of Pocket Expenses (Billed As Incurred)	1	LS	\$5,000.00	\$5,000.00
Project Total:				\$81,800.00

The budget proposed is a not-to-exceed fee schedule that includes direct expenses from Eskel Porter and IMS. The IMS direct expenses are built into the proposed fees and Eskel Porter direct expenses are listed at the bottom of the fee schedule.



WORK PLAN TASKS

Task 1: Project Initiation

	Description
Objective	To review the City's goals and objectives, and develop an implementation plan for the Hansen Street and Pavement Management Modules
Activities	<ul style="list-style-type: none"> Attend project initiation meeting at the City Finalize contract, develop work plan, including scope of work, budget, schedule, deliverables, and quality control/quality assurance issues Finalize the data collection requirements in terms of distress types and summarization of results
Critical Issues	<ul style="list-style-type: none"> Schedule for the various tasks involved in the implementation Information/data to be provided by the City Availability of City staff to finalize the data collection requirements
Deliverables	<ul style="list-style-type: none"> Project implementation plan

Task 2: Pavement Data Collection and System Data Gathering

	Description
Objective	To assemble all required data elements for proper implementation of the Hansen Street and Pavement Management Modules
Activities	<ul style="list-style-type: none"> Review available City data sources "Gap Analysis" on data sources and recommendations for further data collection needs or standardize interim default values GIS linkage to road segmentation Surface Distress, Roughness, and optional ROW digital Image data collection
Critical Issues	<ul style="list-style-type: none"> Availability of existing GIS centerline with linkage to Hansen Street Database Availability of other required data elements, including: road functional classifications, traffic (AADT values), geometric information, pavement structure, maintenance/rehabilitation alternatives, and unit rates Identify other primary data sources
Deliverables	<ul style="list-style-type: none"> Upload files for the Hansen system (OBS_SC and OBS_IRI)



Task 3: System Configuration

	Description
Objective	To develop decision trees, identify suitable deterioration models, and Hansen system setups that will provide realistic Pavement Management system outputs
Activities	<ul style="list-style-type: none"> ▪ Develop pavement deterioration models based on pavement type, structural composition, and anticipated and predicted traffic considerations ▪ Consult with City on maintenance and rehabilitation strategies, including types, unit rates, timing, benefits, and life expectancy ▪ Definition of levels of service for various road classes ▪ Develop Rehabilitation Decision Trees ▪ Establish various budget scenarios
Critical Issues	<ul style="list-style-type: none"> ▪ Availability of staff for meetings ▪ City staff to provide input and acceptance of system configuration
Deliverables	<ul style="list-style-type: none"> ▪ Fully configured Pavement Management system ready to accept and analyze pavement condition data

Task 4: Hansen Upload

	Description
Objective	To upload all pavement source data including pavement condition and street segment attribute data collected during Task 2
Activities	<ul style="list-style-type: none"> ▪ Obtain copy of City's Hansen database ▪ Document conversion methodology and receive certification form Hansen ▪ Create required SQL scripts to populate the collected data into the Hansen Database ▪ Run scripts against a "test" database at client site and verify results ▪ Final data conversion to production database
Critical Issues	<ul style="list-style-type: none"> ▪ Copy of the City's Hansen database ▪ Hansen certification of upload process ▪ Successful upload of data
Deliverables	<ul style="list-style-type: none"> ▪ Hansen database fully populated with pavement condition and other data sources collected during this project



Task 5: Staff Training

	Description
Objective	To ensure that the City is self-sufficient in running and maintaining the Hansen software City staff understand the concepts and results of the Hansen outputs in order to generate programs and present the information to other City staff and Council
Activities	<ul style="list-style-type: none"> 2-day on-site Hansen training and system review session with selected City staff 2-day on-site Pavement Condition training with selected City staff
Critical Issues	<ul style="list-style-type: none"> Availability of staff for training Errors in core Hansen software functionality
Deliverables	<ul style="list-style-type: none"> Fully trained and self-sufficient staff equipped to maintain the Hansen system

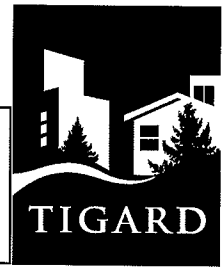
Task 6: Final Report

	Description
Objective	To provide the City with a document that identifies the current and predicted future pavement conditions, outlines the City's rehabilitation needs and programs, and summarizes budgetary impacts on the City's road network performance over a 10-year period
Activities	<ul style="list-style-type: none"> Modifications to system configuration if required Consult with City to determine report format and deliverables Assemble and document all Hansen analyses Review and finalize report with the City
Critical Issues	<ul style="list-style-type: none"> Third party reporting software (i.e. Crystal Reports) available for use at and by the City City staff availability to review and "sign-off" on report
Deliverables	<ul style="list-style-type: none"> Comprehensive report on the Hansen implementation and findings (2 copies)

The following table outlines our fees to provide the services as defined in our proposal and do not include any applicable Federal, State, and Local taxes.

[illegible]

Agenda Item No. 3.1.a
For Agenda of Jan. 23, 2007



Tigard City Council Meeting Minutes

Date: December 12, 2006
Time: 6:30 p.m.
Place: Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon

Attending: Council President Nick Wilson Presiding
Councilor Sally Harding
Councilor Sydney Sherwood
Councilor Tom Woodruff

Absent: Mayor Craig Dirksen

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session	<p>➤ City Attorney Review</p> <p>City Attorney Ramis thanked the Council for the opportunity to represent the City the past interesting and challenging year. He noted that there were no rate increases this year and said the major area of spending is in land use and development, about 30% of total costs. He said spending was within 20-30 hours of the historical average. He brought information about legal spending by other Oregon cities. He said significant matters were Billboards, LUBA Appeals, Bull Mountain Annexation, Urban Renewal and Real Estate. Future trends include Measure 37 claims and other related land use issues.</p> <p>Council President Wilson asked about the loss to the firm caused by Gary Firestone taking a job as Newport's City Attorney and how it would affect the City.</p> <p>City Attorney Ramis said it is an opportunity for him to work more directly with Tigard. He said they are recruiting for a replacement.</p> <p>Gretchen Buehner suggested getting someone who can translate legal terms into English for City board and commission members.</p> <p>➤ Report on Gas Tax Town Hall Meetings</p> <p>Engineer Duenas reported there have been two lightly attended open houses. Good questions were asked by citizen attendees and his impression was that comments were generally favorable. One citizen commented that</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>the City might be short-sighted by not making the tax last as long as 20 years in order to take care of even more Highway 99 problems.</p> <p>Councilor Woodruff asked what the process would be if someone wants to take this to a vote. City Attorney Ramis said he would check the statute.</p> <p>Councilor Sherwood stressed the importance of getting the word out that this is targeted for specific projects in response to issues people often complain about. Gretchen Buehner suggested having someone report on the history of this strategy to make sure the public knows it came from citizens; it was not a top-down process.</p> <p>Council agreed to go ahead with the public hearing at the December 19, 2006 Council meeting</p> <p>➤ Review Reallocation of 72nd Ave. Culvert Funds for Regional Stormwater Treatment Facility</p> <p>Engineer Gus Duenas said that as part of the work OTAK is doing on the Commercial Street streetscape project there is an opportunity to do a regional stormwater treatment facility. He gave everyone a map showing the area under discussion. Within their existing contract OTAK must design stormwater treatment for Commercial Street but staff is suggesting, in order to treat as much stormwater as possible, they design a regional treatment facility.</p> <p>Engineer Duenas said \$100,000 is budgeted for the 72nd Avenue culvert project but there is a timing issue and the City won't be able to use those funds by the end of the year. Engineer Duenas said staff proposes reallocating \$35,000 to the Commercial Street project for OTAK to design a regional treatment facility. A regional facility will be able to handle much more water before it reaches Fanno Creek. He said this proposed reallocation is on the consent agenda tonight.</p> <p>➤ Tree Board Discussion:</p> <p>City Manager Prosser gave a synopsis of correspondence received from two Tree Board members. Community Development Director Coffee said there was some confusion on a board's role and responsibilities. He noted that the position of Arborist was vacant and would be advertised after the holidays. He said it was the conclusion of both Community Development and Public</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Works that the position should be in Community Development.</p> <p>Councilor Woodruff said he wanted to avoid the public perception that the arborist is working too cozily with the developers.</p>	
Administrative Items	<ul style="list-style-type: none"> ➤ Council agreed that the January 9, 2007 Council meeting could have a consent agenda. ➤ Written testimony was received today from Cheryl Capelli for Agenda Item 5 - Legislative Public Hearing – Development Code Amendment (DCA) 2006-00005. Historic Overlay Conditional Use Code Amendment. 	
Business Meeting	<ul style="list-style-type: none"> 1.1 Council President Wilson called the City Council and the Local Contract Review Board to order at 7:35 p.m. 1.2 Council Present: Council President Wilson, Councilors Harding, Sherwood, and Woodruff. Council Absent: Mayor Dirksen 1.3 Pledge of Allegiance 1.4 Council Communications & Liaison Reports: Councilor Sherwood said she had communication about the National League of Cities but suggested postponing discussion until the end of the meeting. 1.5 Call to Council and Staff for Non-Agenda Items: None 	
2. Citizen Communication	<ul style="list-style-type: none"> ➤ Tigard High School envoy Jasmina Disdarevik presented an update on recent Tigard High School activities. A copy of her report is on file in the City Recorder's office. <p>Councilor Sherwood expressed her thanks for all the cans of food collected by Tigard High School students for the food banks.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>➤ Webelo Boy Scout Troop 232 was present at the meeting as part of their work on the Citizenship Badge. They asked Council three questions:</p> <p>1) How does the City of Tigard government work and how many people work for the City? Council President Wilson responded that he hopes it is working well. He said there were 300 people working for the City, including police officers, librarians, public works people, planners, administrative people and others. Councilor Sherwood said the City Council meets together and makes policies for City staff to follow in order to meet our goals. She said the Council represents the people who live in Tigard.</p> <p>2) Why is there so much development in Tigard? Council President Wilson said there has been a lot of growth in Tigard because there has been a lot of growth in the entire Portland area, and more people are expected to come. He said recent statistics show that 1/3 of all homes in Tigard were built since 1990.</p> <p>3) What is the Mayor's most important responsibility? Council President Wilson said he feels the most important thing is representing the 45,000 people in Tigard. He said it is a serious responsibility to carry out their wishes. Councilor Sherwood said the Mayor is like their Scout pack leader, who keeps them in line and makes sure they are doing a good job.</p> <p>Council President Wilson presented each Scout with a City of Tigard pin.</p> <p>➤ Follow-up on Previous Citizen Communication:</p> <p>Council President Wilson read a statement in response to a petition that was presented at the November 28, 2006 Council meeting regarding the Lukas Glenn incident.</p> <p>Council President Wilson said, "At the Council meeting of November 28, 2006, there were petitions presented to the Council requesting we hold a public hearing about the events surrounding the Lukas Glenn shooting. According to our practice, items addressed during the 'open citizen communication' portion of the meeting are brought back to the next regular Council meeting for a report of the status of the communication. Tragic events of September 19th have touched many people in the community. We have reviewed the petitions and met with representatives of the petitioners along with the Chief of Police and our Assistant City Manager. This event</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>occurred outside the City limits of Tigard and Tigard Police were called in as backup. We have determined it is not appropriate for the City Council to hold a public meeting. We want to again extend our sympathy to the family and friends of Lukus Glenn.”</p> <p>Council President Wilson noted that two people had signed up to speak during Agenda Item No. 2 - Citizen Communication but indicated they wished to speak on Agenda Item 4. He understands that their topic is traffic in general but advised them that speaking about Agenda Item 4 now instead of later means they would give up some rights to appeal because it would not be a part of the public record for Agenda Item 4. He called their names and asked if they still wanted to testify.</p> <p>➤ Jim Long, 10230 SW 72nd, Tigard, OR 97223, spoke about a long-standing traffic issue near the corner of 72nd Avenue and Spruce Street. He said neighbors witness blatant disregard for traffic laws. The stop signs are not observed and residents have trouble getting out of their driveways. He invited City officials to observe this and do something about it. He suggested the City come up with a way to make a photo radar stop sign.</p> <p>➤ Norma Harris, 10700 SW 72nd, Tigard, OR 97223, said, “Stop means pause” at the intersection behind Fred Meyer. She has lived in the area for over 15 years and has observed the problem getting increasingly worse.</p> <p>Councilor Woodruff asked if the citizens had brought this to the attention of the police directly. Mr. Long said there was a letter written a few years ago to the Police Chief and, he believed, the Mayor.</p> <p>Council President Wilson said they will come back with a response at a future Council meeting. City Manager Prosser said the Police Chief will be asked to contact them directly.</p> <p>➤ Noreen Gibbons, 10730 SW 72nd Avenue, Tigard, OR, 97223, said she was the one who wrote the letter mentioned by Mr. Long and felt the response received from the police was unsatisfactory. With a daycare being proposed as part of a proposed annexation she is very concerned that it is a tragedy waiting to happen.</p> <p>Council President Wilson asked if there was anyone else who wished to speak on any issue not on the agenda. There was none.</p>	

3. Consent Agenda	<p>Council President Wilson reviewed the Consent Agenda before the City Council:</p> <p>3.1 Receive and File:</p> <p>a. Canvass of Votes for City of Tigard Relating to the Election on November 7, 2006</p> <p>b. Council Calendar</p> <p>c. Council Meeting Tentative Agenda</p> <p>3.2 Approve Reallocation of Healthy Streams Project Funding from a 72nd Avenue Culvert Project for Design of the Proposed Commercial Street Regional Stormwater Treatment Facility</p> <p>3.3 Local Contract Review Board:</p> <p>a. Award of Contracts for Environmental Assessment and Remediation Services on an As-Required Basis to AMEC Earth and Environmental, Inc. and GeoEngineers.</p> <p>b. Approve a Contract Amendment to the Commercial Street Design Contract to Create a Regional Stormwater Treatment Facility with OTAK, Inc.</p> <p>Council President Wilson asked if there were Council members desiring to remove any of these items for separate discussion. There being none he asked for a motion to approve the consent agenda.</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff, to approve the Consent Agenda.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Council President Wilson Yes</p> <p>Councilor Harding Yes</p> <p>Councilor Sherwood Yes</p> <p>Councilor Woodruff Yes</p>
4.Quasi-Judicial Public Hearing - - Topping Kemp Zone Change Annexation (ZCA) 2006-00003	<p>City Attorney Ramis said hearings on annexation matters are conducted as judicial matters and so anyone wishing to participate understands the process, he read through the rules. He noted that copies of the hearing rules of procedure were available at the entrance. A copy is also available in the City Recorder's office.</p> <p>Council President Wilson opened the public hearing.</p> <p>City Attorney Ramis asked if any members of Council wished to report any ex parte contact or information gained outside the hearing, including any site visits. The Council indicated there was none.</p> <p>City Attorney Ramis asked if all Council members had familiarized themselves with the application. The Council said they had.</p> <p>City Attorney Ramis asked the audience if there were any challenges pertaining to the Council's jurisdiction to hear this matter, or if there was a challenge to any Council member's participation.</p>	<p>Councilor Sherwood moved for adoption of Ordinance No. 06-19 and Councilor Woodruff seconded.</p> <p>City Attorney Ramis recommended Council exclude the emergency clause from the Ordinance.</p> <p>Councilor Sherwood moved for adoption of Ordinance No. 06-19 without the emergency clause. Councilor Woodruff seconded the motion. The revised motion was approved by a unanimous vote of Council present.</p> <p>Council President Wilson Yes</p> <p>Councilor Harding Yes</p> <p>Councilor Sherwood Yes</p> <p>Councilor Woodruff Yes</p>

	<p>➤ James Riggs, 10655 SW 75th Avenue, Metzger, Oregon said, "This notice of public hearing was delivered to my mail three days late, according to ORS land use planning law guidelines. Therefore, this hearing is invalid. I wish you to adjourn until we have a representative of Washington County. This is an issue that concerns a community outside the jurisdiction of Tigard."</p> <p>City Attorney Ramis asked him, "Your position is that the City Council cannot hold a hearing because of the notice issue and second, you have an issue relating to whether the county is present?"</p> <p>Mr. Riggs said, "I have an issue of protocol. In this matter, we have a park in consideration, Metzger Park. This park is supported by the community of Metzger, not by any other entity."</p> <p>City Attorney Ramis said, "My question is that, you're saying that someone from the County needs to be present?"</p> <p>Mr. Riggs said, "Yes, sir. The reason being is that there are a finite number of residents in our community that support this park. When you annex people from our community into the city of Tigard that removes that tax base and shoulders the burden to the remaining residents."</p> <p>City Attorney Ramis said, "We're straying from the substantive evidence, but if we could turn to the jurisdictional question for a moment, my recommendation is that you go ahead and conduct the hearing and take testimony and allow our staff to address the question of notice and its adequacy and if we don't happen to have that information here we can continue the proceeding until you can examine the notice question."</p> <p>He said, "The fundamental rule is that actual notice suffices. So if a person has actual notice, whether or not the actual number of days in the statute was satisfied is really not the question."</p> <p>Mr. Riggs said, "I object to your testimony, Mr. Attorney. I conferred with the County and they said it is very important that you comply with ORS."</p> <p>City Attorney Ramis said, "This is a City proceeding and I respect that. That's why I recommended to Council that we conduct the proceedings so that people who have come here tonight can offer their testimony. But we will then check the status of the notice."</p>	<p>Councilor Wilson asked that staff follow up on the question about how this impacts the local improvement district for the park.</p>
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	<p>Council President Wilson said, "The question here is, are there any challenges pertaining to the Council's jurisdiction?"</p> <p>Mr. Riggs said, "This is a challenge."</p> <p>Council President Wilson said, "Yes, but it's not about the jurisdiction of the Council to annex... This is an annexation to the City; it's not a withdrawal from the County."</p> <p>Mr. Riggs said, "When you annex to the City it removes property from the community of Metzger, am I wrong?"</p> <p>Council President Wilson said, "Well, yes, because there is no formal community of Metzger. It's not a jurisdictional boundary. You have a local improvement district that finances the park but I don't think that this annexation would withdraw it from the local improvement district."</p> <p>Planner Eng said she would check into whether this removes these properties from the LID.</p> <p>Council President Wilson asked the audience if there were any other challenges to the jurisdiction of the Council. There were none.</p> <p>Planner Eng gave the staff report. She said this annexation had nine petitioners and that all land owners are registered voters within the proposed territory and consented to annexation. She said the proposed annexation would add 1.81 acres of land to the City of Tigard. Three parcels are zoned Office/Commercial and one parcel is zoned R-5 through Washington County. Upon annexation three parcels will be zoned Professional/Commercial and one parcel will be zoned R-4.5. The proposed territory is contiguous to the City's boundary. She said staff notified all residents and interested parties and received no written objections. Applicants Topping and Kemp propose to build a preschool on one parcel. Existing single-family homes will remain on the other three parcels. She said the annexation is necessary for the site to connect to City sewer.</p> <p>Assistant Planner Eng said the applicants faced significant administrative obstacles in getting their project on schedule. On behalf of their clients, Westlake Consultants requested that this annexation, if approved, be adopted with an emergency clause so it takes effect immediately.</p> <p>Assistant Planner Eng said staff recommends approval of the annexation and that the ordinance be adopted with the emergency clause. She also noted that the notice was sent</p>	
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within the state requirement of 20 days before the hearing.

PROPONENT TESTIMONY –

➤ Lee Leighton, Westlake Consultants, 15115 SW Sequoia Parkway, Suite 150, Tigard, spoke for his clients, applicants Richard Topping and Katie Kemp. He said the applicants began the process by setting up a pre-application meeting with Washington County. Months later it became clear it was a city sewer line on Spruce Street and City staff insisted that before anything further happened they would have to annex into the City. He said they worked quickly to prepare an annexation request in order to stay on track with their project. This is why they are requesting an emergency clause in the ordinance.

NEUTRAL TESTIMONY –

➤ Jim Long, 10730 SW 72nd Avenue, Tigard OR. Mr. Long said he believed that one of the neighbors contiguous to the property, Nancy Tracy, did not receive a notice. He was also concerned about effects an emergency declaration would have on the ability to appeal a decision. He said he had concerns about the traffic as well as the process.

City Attorney Ramis recommended Council not adopt the emergency clause. He said the City could work with the applicant to expedite applications and process.

Noreen Gibbons had signed up to speak but declined to testify.

Council President Wilson noted that he did not have anyone else signed up to speak but asked Mr. Riggs if he would like to speak at this time.

OPPONENT TESTIMONY -

➤ James Riggs, 10655 SW 75th, Tigard, OR said the property owners near his property have raised their elevations, causing damage to his property.

Mr. Riggs expressed concerns about “the continual chipping away of Metzger by annexation into the City Tigard limits.” He said, “When you take property into your City it takes our tax base away from our park.”

Councilor Sherwood said, “I live in that area... and I think I continue to pay into the Metzger LID, even though I live in the city of Tigard.” I will go back and check my tax statement but I don’t think it has anything to do with the

	<p>legality of these people wanting to be in the City of Tigard.”</p> <p>Council President Wilson said, “We’re not withdrawing you from the County. We all are in the County, so it’s hard for me to imagine that an LID that is valid may change by a change in the city boundaries.”</p> <p>Mr. Riggs approached the Council and showed a map of the proposed annexation area. He indicated that his property is across the street from the proposed annexation property. He asked if the City of Tigard has jurisdiction on his street if the annexation is approved.</p> <p>City Manager Prosser said it didn’t.</p> <p>Councilor Wilson said, “You’d have to annex the street too and we’re not.”</p> <p>Mr. Riggs said that is what he is worried about. He expressed concerns about annexation of his area by Beaverton, Portland and Tigard. He stressed that increased traffic coming through his neighborhood from local schools, Lincoln Center and Washington Square makes it an unsafe location for a preschool.</p> <p>Council President Wilson said no one else had signed up to speak and asked the audience if there was anyone else who would like to testify. There was none.</p> <p>APPLICANT REBUTTAL –</p> <p>➤ Lee Leighton of Westlake Consultants said his clients worked hard to communicate with the residents affected by this project. He said a neighborhood meeting was held when they were embarking on the Washington County process. He said invitations were sent to neighbors within 500 feet regarding the meeting and that this was documented in the record.</p> <p>Referring to the Mr. Long’s question about a neighbor not receiving notice, he said he’d verified with Associate Planner Eng that the name in question does appear on the mailing label file printout. Mr. Leighton said the City fulfilled its responsibility to put that item in the mail.</p> <p>Mr. Leighton said that Mr. Riggs mentioned problems with elevation changes in grading near his property that caused drainage problems. He said City of Tigard staff would allow the applicants to submit their site design for a courtesy review to obtain feedback so the applicants can turn in a complete application as soon as possible. He said</p>	
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	<p>that on this (or any other project site development review) applicants have to demonstrate that they are not creating a downstream drainage problem, using engineering calculations and storm water treatment and detention on the property. He mentioned that the review of any development would have to go through such a City process.</p> <p>Council President Wilson asked for the staff recommendation.</p> <p>Assistant Planner Eng said staff recommended approval of the annexation.</p> <p>Council President Wilson closed the public hearing and asked the Council for any comments or discussion.</p> <p>Councilor Woodruff said, "This is the kind of annexation we are most interested in – where we have people who are contiguous and want to be part of the City." He said, "It seems like that is what state statutes are written to allow and there's no one that's being affected on this property against their will to become a part of Tigard so I am supportive of this."</p> <p>Councilor Sherwood stated that although annexation is an ugly word, a lot of people come into our city for different reasons, one of them happens to be sewers. She said no one was getting annexed against their will.</p> <p>Council President Wilson said he agreed with the other Council members. He said, "We always apply the zoning closest to the County's zoning designation so this will not make development happen that otherwise would not have happened. I am also in favor of this annexation."</p>									
<p>5. Legislative Public Hearing Development Code Amendment (DCA) 2006-00005 - Historic Overlay Conditional Use Code Amendment</p>	<p>City Attorney Ramis explained that this was a legislative public hearing and he would read, prior to the proceeding, a statement about the procedures the City would follow, noting that these were slightly different than those used in a quasi-judicial case. He said a copy of the rules and procedures was available at the entrance of the public hearing room. A copy is also available in the City Recorder's office.</p> <p>City Attorney Ramis asked the Council if any member wished to report any ex parte contact or information gained outside the hearing including site visits.</p> <p>Councilor Woodruff said he had a conversation with Mr. Quello last summer during his first visit to the property at a reception for Broadway Rose Theater. Councilor</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff, to go with the Planning Commission's recommendation and deny the Conditional Use Code amendment.</p> <p>The motion was approved by a 3-1 vote of Council present.</p> <table> <tr> <td>Council President Wilson</td> <td>Yes</td> </tr> <tr> <td>Councilor Harding</td> <td>No</td> </tr> <tr> <td>Councilor Sherwood</td> <td>Yes</td> </tr> <tr> <td>Councilor Woodruff</td> <td>Yes</td> </tr> </table>	Council President Wilson	Yes	Councilor Harding	No	Councilor Sherwood	Yes	Councilor Woodruff	Yes
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Councilor Harding	No									
Councilor Sherwood	Yes									
Councilor Woodruff	Yes									

	<p>Woodruff said he also talked with three neighbors who called to register their position on this.</p> <p>Councilor Harding said she attended the same reception as Councilor Woodruff. She reported that she received a phone call from Larry Galizio about this matter but did not recall the date.</p> <p>Councilor Sherwood said she visited the Quellos at their house in 2000 and was also at a prior public hearing.</p> <p>Council President Wilson said he was on the Planning Commission when the previous hearing was held and also attended an event held there years ago. He noted that Larry Galizio contacted him by phone recently regarding this matter.</p> <p>City Attorney Ramis asked if all members had familiarized themselves with the application. Council indicated that they had.</p> <p>He asked if there were any challenges from the audience pertaining to the Council's jurisdiction to hear this matter, or if there were any challenges to the participation of any Council member. There were none.</p> <p>Council President Wilson opened the public hearing.</p> <p>Associate Planner Farrelly gave the staff report. He described the eight Tigard historic properties located in residential zones. He said Council directed staff to explore ways owners of historic property could generate income to assist them in preservation, restoration and upkeep. He said one potential way to do this was to allow historic resources to be rented for events and meetings, subject to conditional use standards. He noted that the Planning Commission unanimously recommended denial of this proposed code amendment at a public hearing on November 22, 2006.</p> <p>PROPONENT TESTIMONY:</p> <p>➤ Dan Quello, 16445 SW 92nd Avenue, Tigard, OR, 97224, testified on behalf of the proposed code amendment. He said a community needs places for its people to assemble and celebrate special events. He said if Tigard has a shortcoming, besides traffic woes, it would be a lack of the number of spaces, especially outdoors, available to hold functions and events. He said demand is strong for his award-winning historic home with two-plus acres of Victorian gardens.</p>	
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	<p>Mr. Quello noted that the format of the public hearing doesn't allow for rebuttal so he wanted to respond to prior comments made in the media and at the Planning Commission meeting. He said it is not just about one house – or about making money. He said the benefit would be for the whole community. He said it is about the preservation movement in Tigard and allowing an incentive to help maintain the few historical houses left.</p> <p>He disagreed with comments made about the lack of control over event spacing, noting the proposed use averages out to only 1 ½ events per month.</p> <p>Mr. Quello responded to Planning Commission public hearing testimony about police being summoned to garden weddings by saying that the only police officer to set foot on his property at a wedding was there as a groom. He remarked that Larry Galizio made an appeal during the Planning Commission hearing to have staff and planning commissioners come by and do an on-site inspection. He said, "But then, when he heard that Councilors Sherwood and Woodruff had already been on-site for the Broadway Rose party and were open to exploring ways to use this historic resource, he said, 'Those commissioners should recuse themselves.' Why? Because they were on-site or perhaps because they held a different view than his own. Mr. Galizio cannot have it both ways."</p> <p>He said they've worked hard for 16 years to restore one of Tigard's treasures and would like to share it with the entire community. He said the historic preservation movement is not just about saving important structures; it's about opening them up.</p> <p>➤ Bob Neithammer, 19855 SW Riverwood Lane, Tigard, OR 97224, said he supported this amendment. He said his daughter wanted to get married outdoors and Tigard doesn't offer many places for an outdoor ceremony. He said she was married at the Quello house and he thought it was a beautiful setting. He said he lives three or four blocks away and has never heard noise coming from the Quello House.</p>	
	<p>➤ Dan Mitchell, 16585 SW 92nd Avenue, Tigard, OR 97224, said he moved next door to the Quello's property in 1991, four months before Mr. Quello purchased his property. He said it was in shambles with rotting floors and a carriage house covered in blackberry vines and the Quellos worked hard to restore the property. He has</p>	

	<p>experienced no problem with noise. He said if you want to talk about noise, consider the Balloon Festival. He said his house shakes until 11:00 p.m. during the Balloon Festival and visitors to his house have to pay for parking, but he doesn't complain because it is an important Tigard event. He said he is totally for anything that encourages Dan Quello to maintain the property in its current beautiful condition.</p> <p>➤ Cindy Lehman, 13170 NW Dumar St., Portland, OR 97229, testified in support. She read excerpts from a letter written by Karen Sigworth, an organizer of the Tigard-Tualatin School District's 1st Annual Garden Tour which included the Quello House as one of its destinations. She said one aspect of quality of life is preserving what is beautiful and unique in our community and there is no other property in Tigard like the Quello's. She entered photographs into the record. She said she hoped Tigard's elected officials could find a way to end the impasse that is both sensitive to the neighbors and allows the Quellos to preserve and share their bit of Tigard history.</p> <p>➤ Jenni McGuire Legg, 17410 SW 135th Place, Tigard, OR 97224, testified that she was married at the Quello House and was honored to invite her friends and family to this beautiful home which is part of local history. She noted that her out-of-town wedding guests stayed and ate at local businesses which was good for the community.</p> <p>She added that she can now take her children to the Quello House and hoped the City could come up with a compromise so that other people could enjoy this property.</p> <p>➤ Mark Dahm, 28357 SW Morningside Avenue, Wilsonville, OR 97070, testified. He held his son's wedding reception at the Quello House and said it meant a lot to his family to hold their event among the rolling lawns and ponds at such a serene setting. His guests stayed in local hotels and used local businesses. He complimented the Quello's hospitality and noted that family members still comment on their fond memories of the wonderful time they had on the property.</p> <p>➤ Dan Murphy, 14070 SW Hall Blvd., Tigard, OR 97223, testified. He said the Broadway Rose Theater Company is proud to be a valuable part of Tigard, helping to build a sense of community by providing a gathering place for Tigard residents and beyond, to enjoy. He said the Quello House has the potential to provide Tigard residents a beautiful gathering place to celebrate</p>	
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special occasions. Mr. Murphy said the Quello's opened up their home last summer to host the Theater's cultivation event. He said it was a pleasure to hold such an event inside Tigard, as they have generally gone outside the city for cultivation events in the past. He said few homes in the area offer the same beauty, charm and lush landscaping as the Quello House. He asked that Council consider their request to allow meetings and events in their home as a conditional use.

OPPONENT TESTIMONY:

➤ Cheryl Capelli holds interest in property at 16405 SW 93rd, Tigard OR 97224. Ms. Capelli gave six reasons to deny conditional use, as summarized below. She requested that the Council vote no on the proposed code amendment

- 1) Unfair advantage to one property over others. Conditional use events infringe upon normal use of nearby properties with noise, traffic and litter.
- 2) A "Conditional Use Test" was tried at the Shaver-Bilyeu property for three years and failed to provide for the interests of the public. Public testimony before the Council in 2000 and before the Planning Commission in November 2006 highlighted that three years of "test" events clearly disrupted the home life of neighboring properties.
- 3) Conditional Use is a "sleeping dog." The school, a stadium and park are visible when buying a home in the area. But property use that appears normal, yet impacts neighboring property when summer arrives, impacts neighborhood desirability.
- 4) Current Oregon historical tax relief program has not been proven insufficient. According to Washington County, the Quellos receive special tax treatment since 1994 for the Shaver-Bilyeu House. Comparing market value to taxable value, the market value is \$790,970, yet the frozen taxable value is only \$166,060. It appears special interest to add an additional compensation program when the current program has not been proven insufficient.
- 5) Historical property requiring Conditional Use to pay for costs fails to show a need. Reasonable investment in maintenance activities is an expected cost that all homeowners accept. Maintenance of a home on large property with a garden can be expensive and is an assumed investment responsibility. Excessive historical costs have yet to be shown and allowing

	<p>Conditional Use for profit appears as special interest.</p> <p>6) Conditional Use profits are not required to be reinvested. The proposed code change fails to ensure that historic properties actually benefit from Conditional Use profits.</p> <p>➤ Michael Brewin, 11225 SW Morgen Ct., Tigard, OR 97223, testified on behalf of himself and his business, SoulJazz, LLC. In reference to Dan Quello saying earlier that this code amendment would be on benefit to the entire city, he disagreed, saying it would be a handout for one property.</p> <p>He said all testimony in favor has been about one property but that the code amendment would affect the whole city. He presented slides of historic properties in Tigard and discussed the disadvantages to applying this conditional use to them, including parking, neighbor proximity, and adequate space issues.</p> <p>Mr. Brewin stated a concern that the August 15, 2006 Council agenda referred to the "Quello House," which is not how the house is listed on the National Register of Historic Places. He also said that the public hearing notice sent out by the City didn't disclose enough details.</p> <p>Mr. Brewin noted that City code enforcement staff is unavailable on evenings and weekends to document abuse.</p> <p>He read a list of 45 reasons to reject the development code amendment, a copy of which is in the City Recorder's office.</p>	
	<p>The Council took a brief break at 9:41 p.m. and reconvened at 9:48 p.m.</p>	
	<p>OPPONENT TESTIMONY CONTINUED –</p> <p>➤ Richard Smith, 16435 SW 93rd, Tigard, OR 97224, submitted photos for the record showing the view from his home towards the Quello property. He said he lives directly behind the Quello property. He noted that several trees were cut down by Mr. Quello and were left on Mr. Smith's property. He said he felt this proposed amendment was just to benefit Mr. Quello and turn his property into a commercial investment. He said the Quellos' have burdened the neighborhood with these parties and it is an annoyance. He expressed concerns about parking.</p>	

	<p>➤ Don Manghelli, 16415 SW 93rd Avenue, Tigard, OR, 97224, lives behind the Quello House. He said he and his wife hear everything that goes on in the Quello House yard and he feels he can't mow his lawn or enjoy his own yard when events are going on. He reviewed the history of event use at the Quello House and the impact on the neighbors. He said even limiting events to twelve days a year would mean most summer weekends would be taken up with weddings because no one wants an outdoor wedding at other times of the year. He said this is not compatible with a residential neighborhood.</p> <p>➤ David Otis, 16465 SW 93rd Avenue, Tigard, OR 97224, said he wants to enjoy his backyard in peace without all the chaos, noting that every sound carries across the gully from the Quello's yard.</p> <p>➤ Larry Galizio, 16455 SW 93rd Avenue, Tigard, OR, 97224, pointed out that, except for the man testifying tonight who lives next door to Mr. Quello but has an acre in between, everyone testifying in favor of this change lives away from the area. He said the people who are speaking in opposition live closer to the Quello House and would have to live with these changes. He also said it was significant that the Planning Commission voted unanimously, 5-0 against the code changes.</p> <p>He responded to Mr. Quello's comments that this is not a benefit for himself. He said following that logic, one possibility to consider would be to put all the money earned at the Quello House into an account for all the historic properties to use, which would benefit the community, not just Mr. Quello.</p> <p>Mr. Galizio said Mr. Quello said this was needed to allow some incentive for his family to continue to live in and maintain this home. He said Oregon taxpayers subsidize them already so it would be redundant and unfair to provide another incentive. on top of what is already provided.</p> <p>Referring to Mr. Quello's earlier site visit comment, he said the site visit he had requested was not for Council to go to the Quello House, but for Council members to go to Mr. Galizio's or any other neighbor's house to experience what everyone is talking about.</p> <p>Mr. Galizio asked about accountability. He asked how citizens would know that these funds are being spent on historic preservation.</p>	
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	<p>He said, "Enough is enough. This is a residential area and I hope you heed the call of the Planning Commission which voted unanimously, 5-0, and oppose this change."</p> <p>Council President Wilson asked if there was anyone else who wanted to speak. There being none, he closed the public hearing.</p> <p>Staff recommendation: Associate Planner Farrelly said staff recommends that if the City Council can find that the proposal is compatible with surrounding residential uses, and provides adequate guidelines for approval, then Council should approve it.</p> <p>Councilor Sherwood said the property is gorgeous but if Council puts this commercial zone change in, the neighbors are not going to be able to live normal lives. She said she was not in favor of overturning the Planning Commission's unanimous vote against it.</p> <p>Councilor Woodruff said he felt Council failed the Community because they couldn't come to a compromise on this. He said both sides made valid points. He said he was taken aback by the strong objections of the neighbors. He said it was troubling that things that happened in the past are clouding the issue now. He said regardless of what decision is made at this point, it would injure people, so he was still deliberating.</p> <p>Council Harding said she was not aware of the issues from the past. It was through the Broadway Rose Theater that she was at an event at Quello House. She said there were very few jewels left in the community. She heard a lot of conflict in the testimony tonight. She said that maybe 200 people at an event may be too many, but 18 events out of 365 days a year is less than 5% of the year. She thought it ludicrous that it was suggested it would take a full-time code compliance officer. She said she feels for both sides.</p> <p>Councilor Sherwood said the difference between wedding events and school or sports events is that no one has to be quiet in their yard during school events.</p> <p>Councilor Harding said that's just the risk Mr. Quello takes. It's not an exclusive use requiring the neighbors to shut down their lives.</p> <p>Council President Wilson said he understands these issues. Just living next to people means you have to tolerate a certain amount. He thought he was the only</p>	
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	<p>Planning Commissioner back when this came before them, to vote in favor of the Quello proposal. It's not just about historic preservation – it's also about people's ability to use a place that is unique. The Quello House is mostly about the grounds, not the interior. It is really about summer use and that is the difficult thing. This is one of the most difficult things he's had to address in his eight years on the Planning Commission and four years on the Council. If you want things to stay as they are, it helps to have a financial incentive. I understand this is about the houses immediately behind the Quellos. He personally would like to see Council send this back. As it is written, there are too many issues. He is not terribly worried about other properties; you could not fit 200 people into the windmill. Fire codes and parking are issues.</p> <p>Councilor Woodruff said the numbers that came up (18 a year, 200 attendees) were not set by the Council. He said he would be comfortable with less. Proceeds from this could pay for overtime for someone from the City to be right there to monitor things. Do whatever is required to send this back for review that makes it less onerous to the neighbors.</p> <p>Council President Wilson asked about the code enforcement issues that were raised, noting that we don't have night code enforcement officers.</p> <p>Community Development Director Coffee said the police could cite for various portions of the Code. There is also a provision in there that it could be revoked for violations and the police could document violations.</p> <p>Councilor Harding asked how it could be re-written without infringing on the Community Development Department's time, not doing a total re-write but adding more restrictions.</p> <p>City Manager Prosser said Council could refer it back to staff for more work but Community Development Director Coffee has identified that it will have an impact on the other priorities that Council has set. He asked, "If staff worked on it, increased restrictions and it was heard again, would there be a different outcome?"</p> <p>Council President Wilson asked if Council would hear appeals of the Hearings Officer's decisions.</p> <p>City Attorney Ramis said the appeals would go to the Council first and then could go to LUBA.</p>	
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	<p>Council expressed disappointment that the opposing groups couldn't come together and work out a compromise prior to the proposed code amendments being prepared.</p>	
<p>6. Legislative Public Hearing Comprehensive Plan Amendment(CP A) 2006-00001/ Development Code Amendment (DCA) 2006-00004- Habitat-Friendly Development Provisions</p>	<p>Council President Wilson opened the public hearing.</p> <p>City Attorney Ramis noted that everyone present in the room at this time was present for the preceding public hearing. He stipulated that the Attorney Statement for Agenda Item 5 would be entered into the record as being the same for Agenda Item 6.</p> <p>Council President Wilson asked if there were any challenges. There were none. No one had signed up to speak on this item.</p> <p>Long Range Planning Manager Bunch gave the staff report. He said staff evaluated all the applicable criteria from the Comprehensive Plan and the Development Code and found that these amendments comply. He said the Planning Commission held a public hearing on October 16, 2006, and recommended approval. Some changes were made to staff's original recommendation and these are now included. He noted that Council adoption of the proposal would 1) fulfill Tigard's agreements with the Tualatin River Basin Partners; 2) comply with Metro functional plan Title 18 and also comply with associated State regulations. He noted that this does not preclude the City from further protecting resources by going through statewide processes established by Goal 5.</p> <p>Council President Wilson opened up the hearing to public testimony. Planning Commission Member Gretchen Buehner said that the density transfer section was removed for further work and will be coming back to Council in early 2007.</p> <p>Councilor Harding noted that Council has discussed this before and while she would like it to be more restrictive, Council needs to move forward.</p> <p>Council President Wilson clarified a comment he made at the November workshop meeting. He said he is not opposed to conservation easements in general but is opposed to applying them to small, private lots, which developers will do to squeeze in another lot when they are otherwise required to have areas set aside for preservation.</p>	<p>Motion by Councilor Woodruff, seconded by Councilor Harding, to approve Ordinance No. 06-20.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Council President Wilson Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Woodruff Yes</p>

	ORDINANCE NO. 06-20 – AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AND DEVELOPMENT CODE AMENDMENTS - CPA 2006-00001 AND DCA 2006-00004 – TO ADD A SIGNIFICANT HABITAT AREAS MAP TO VOLUME 1 OF THE COMPREHENSIVE PLAN AND HABITAT-FRIENDLY DEVELOPMENT STANDARDS TO THE TIGARD COMMUNITY DEVELOPMENT CODE – CHAPTERS 18.360, 18.370, 18.705, 18.715, 18.765, 18.775 AND 18.810.	
7. Council Liaison Reports	Council President Wilson asked if there were any Council liaison reports. Councilor Sherwood said she would defer her report.	Councilor Sherwood will give a report on the NLC Conference at a future meeting.
Adjournment	The meeting was adjourned at 10:57 p.m.	<p>Motion by Councilor Harding, seconded by Councilor Woodruff, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p> Council President Wilson Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Woodruff Yes </p>

Carol A. Krager, Deputy City Recorder

Attest:

Mayor, City of Tigard

Date:_____

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Agenda Item No. 3, 1 b
For Agenda of 1-23-07



Tigard City Council Meeting Minutes

Date: December 19, 2006
Time: 7 p.m.
Place: Tigard City Hall, 13125 SW Hall Boulevard
Tigard, Oregon
Attending: Mayor Craig Dirksen Presiding
Councilor Sydney Sherwood
Councilor Nick Wilson
Councilor Tom Woodruff
Absent:-- Councilor Sally Harding

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session	Mayor Dirksen called the meeting to order at 7 p.m.	
Study Session: City Center Advisory Commission (CCAC) Membership Vacancies	Senior Planner Nachbar reviewed current and upcoming membership vacancies on the CCAC. A copy of the staff report is on file in the City Recorder's office.	After discussion, Council consensus was to ask the CCAC to self-select with regard to terms, which will be staggered. Senior Planner Nachbar advised he would return to the City Council with suggestions for CCAC appointments as well as for appointments to the advisory committee for the development of the Fanno Creek Park Master Plan.
Study Session	Administrative Items: ♦ Oregon Department of Transportation (ODOT) Region 1 Manager Jason Tell was scheduled to meet this evening with the City Council; however, he is unable to attend. ♦ City Council Draft Goals for 2007 – City Manager Prosser asked City Council members to review a draft of the City Council goals and advise him of any changes.	Meeting with Mr. Tell of ODOT rescheduled to the City Council meeting of January 23, 2007.

Agenda Item	Discussion & Comments	Action Items (follow up)
	<ul style="list-style-type: none"> ♦ City Council member liaison appointments to the City's boards and committees still need to be determined. ♦ Councilor-elect Buehner advised of another resignation from the Planning Commission as of December 18. Another advertisement seeking applicants will be posted. ♦ City Manager Prosser advised he anticipates Mr. Jim Long will appear before the City Council regarding motorists ignoring stop signs at 79th and Spruce Street. Mr. Long testified at the December 12, 2006, Citizen's Communication agenda item to express his concerns about this matter. He acknowledged to staff today that police presence had increased in this area, but he had also expected to receive a follow-up written response. City Manager Prosser advised City Council that he requested Police Chief Dickinson respond to Mr. Long and his neighbors. ♦ City Manager Prosser advised that one telephone call had been received regarding the proposed ordinance for a motor vehicle fuel tax. The Oregon Petroleum Association requested the number of registered voters within the City of Tigard. <p>Study Session concluded at 7:19 p.m.</p>	<p>Staff will provide City Council with a list of current boards and committees.</p>
Business Meeting	<ol style="list-style-type: none"> 1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to Order at 7:31 p.m. 1.2 Council Present: Mayor Dirksen, Councilors Sherwood, Wilson, and Woodruff. 1.3 Pledge of Allegiance 1.4 Council Communications & Liaison Reports 1.5 Call to Council and Staff for Non-Agenda Items <ul style="list-style-type: none"> ♦ Councilor Sherwood advised she would give a report on the National League of Cities Conference at a future City Council meeting. 	

Agenda Item	Discussion & Comments	Action Items (follow up)
2. Citizen Communication	<p>Tigard Area Chamber of Commerce President Ralph Hughes presented an update on Chamber activities. He noted the tree lighting ceremony was held earlier in the month. He referred to a membership-drive event that will be conducted in mid-January. President Hughes noted the Chamber plans to become more involved in economic development and tourism and said they would appreciate any assistance the City of Tigard might be able to give.</p> <p>Kevin Saier, 13911 SW Hillshire Drive, Tigard, OR requested follow up on an issue brought before the City Council at a Fifth Tuesday City Council meeting. Neighbors were objecting to a Municipal Code interpretation whereby a residential homeowner could construct a tower or antenna structure of any height on their residential land. Mr. Saier distributed information to the City Council, which is on file in the City Recorder's office.</p> <p>City Manager Prosser said he would request Community Development Director Coffee to contact Mr. Saier. Mr. Prosser said he believed a director's interpretation/definition had been documented, which addresses the concerns with regard to the height of towers/antennas. <i>(City Recorder's Note: See Director's Interpretation, dated July 3, 2006, which is on file with the Council packet information for this meeting.)</i></p> <p>Jim Long, 10730 SW 72nd Avenue, Tigard, Oregon advised he had expected a response regarding his testimony at the last meeting concerning motorists disregarding stop signs in his neighborhood. He noted there are still problems; however, he has noticed increased law enforcement.</p> <p>Mr. Long also noted that the Blue Pages in the telephone book are at risk and questioned whether there has been a violation of state statutes. He noted the listings contained in the Blue Pages include schools, which make these numbers easily accessible. Councilor Woodruff noted that Mr. Long was a leader in establishing the availability of</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)								
	<p>the Blue Pages.</p> <p>Mayor Dirksen noted typically staff presents a verbal report at the next Council meeting to follow up on citizen concerns brought up at the previous meeting. Staff, when they became aware of Mr. Long's expectation of a written response, prepared one. Mayor Dirksen apologized for the misunderstanding and gave Mr. Long the written response prepared by Police staff.</p> <p>Councilor Sherwood noted the lack of resources for continual monitoring of the stop signs. City Manager Prosser added that officers can spot check the area. Mayor Dirksen said that if the traffic control devices continue to be a problem, then there will be a need to address the matter.</p>									
3. Consent Agenda	<p>Mayor Dirksen reviewed the Consent Agenda:</p> <p>3.1 Approve City Council Minutes: November 21, 2006</p> <p>3.2 Authorize the Mayor to Sign a Memorandum of Understanding (MOU) with Tualatin Valley Fire and Rescue (TFV&R) Regarding the Joint Development of the Walnut Street Fire Station and the Expansion and Improvement of Jack Park</p> <p>3.3 Approve Budget Amendment #10 to the FY 2006-07 Budget to Accept and Expend a State Homeland Security Grant for Purchase of 800 MHz Radios – Resolution No. 06-76</p> <p>A RESOLUTION APPROVING BUDGET AMENDMENT #10 TO THE FY 2006-07 BUDGET TO ACCEPT AND EXPEND A STATE HOMELAND SECURITY GRANT FOR PURCHASE OF 800 MHZ RADIOS</p>	<p>Motion by Councilor Wilson, seconded by Councilor Woodruff, to approve the Consent Agenda.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes									
Councilor Sherwood	Yes									
Councilor Wilson	Yes									
Councilor Woodruff	Yes									
4. Meeting with TriMet General Manager Fred Hansen - Progress Report on Third Year of the Tigard/	<p>TriMet General Manager reviewed progress achieved during 2006 under the Tigard-TriMet Memorandum of Understanding (MOU) for improving local access and service.</p> <p>Highlights of this review and discussion include the following:</p>									

Agenda Item	Discussion & Comments	Action Items (follow up)
TriMet Memorandum of Understanding	<ul style="list-style-type: none"> ◆ The commuter rail is the next major investment for the region. ◆ The “P811” equipment finished its work on the commuter rail track in 28 days. TriMet worked closely with the communities affected to advertise road closures. Mayor Dirksen advised he had heard a few concerns – but only a “very few.” Additional track work will need to be done that will require road closures again. ◆ The urban renewal efforts by Tigard will be important for the commuter rail. ◆ The station in the Washington Square area will need pedestrian connections. Mayor Dirksen suggested Washington Square area businesses might be willing to contribute to a “people mover” to encourage people to shop. ◆ The Tigard rail yard will be upgraded with funds from a grant from “Connect Oregon.” This project will benefit both the freight and commuter rails. ◆ Increased bus service for Tigard area continues to be delayed; still experiencing the effects of the “tail end” of the recession. The No. 1 priority is to enhance frequent bus service for Line No. 76 so there is a bus every 15 minutes all day, every day. The majority of ridership (56%) is on frequent bus service routes. ◆ Line 38 will be rerouted. Changes are also planned for service along Barrows Road. ◆ Additional bus shelters (8) are planned along Pacific Highway. Also, one bus shelter at Main and Scoffins has already been constructed. ◆ Lighting improvements (solar lighting) has been installed at some locations. ◆ Mr. Hansen noted Tigard’s accomplishments with regard to sidewalk improvements and that he was pleased to send letters of support when Tigard applied for Community Development Block Grants. Improved sidewalks have provided better access to bus stops. ◆ Mr. Hansen advised he serves on the board that approves regional transportation project funding in the JPACT process. While he could not write a support letter for Tigard requests, he indicated he would be supportive of Tigard transportation projects. 	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<ul style="list-style-type: none"> ♦ People are becoming more supportive of light rail throughout the region. Mr. Hansen noted 99W/Barbur might someday be served by light rail; preliminary discussions have begun. ♦ The commuter rail is on schedule and should be operational by September 2008. ♦ Mr. Hansen advised there has been consideration of “trails with rails.” Obstacles include liability issues raised by the private freight interests as well as restrictive right-of-way access (narrowness). ♦ In response to a question raised by Councilor Wilson, Mr. Hansen said legal agreements would need to be renegotiated to increase the number of hours of service for the commuter rail – some freight will be running during the day. The Oregon Department of Transportation is interested in exploring additional service areas; at this time, service to Milwaukie and Keizer is being discussed. ♦ Mayor Dirksen noted the beginnings of true multi-modal transportation, which will take a load off of the highways. ♦ Mayor Dirksen said he was glad to hear that TriMet continues to work on increasing bus service in Tigard as Tigard is still under-served. He added he is pleased to continue to work with TriMet. ♦ Mr. Hansen said that the 20th anniversary of Max occurred last September. The transportation changes in the region that have taken place in the last 20 years, usually take 50 years. ♦ Mayor Dirksen thanked Mr. Hansen for the letters of support. 	
5. Meeting with Oregon Department of Transportation (ODOT) Region 1 Manager Jason Tell	Agenda Item No. 5 was rescheduled to the January 23, 2007, City Council meeting.	

Agenda Item	Discussion & Comments	Action Items (follow up)								
6. Amendment To Tigard Municipal Code (TMC) Chapter 12.10.100 Regarding the City of Tigard's Cross Connection Control Program	<p>Assistant Public Works Director Rager and Water Quality Supervisor Goodrich presented the staff report.</p> <p>The proposed ordinance updates Tigard Municipal Code language on cross connections between the drinking water system and contaminants. The proposed wording comes from the Oregon Administrative Rules, which clarifies certain language and provides staff with better enforcement and education tools.</p> <p>Councilor Wilson noted that, as a landscape architect, he has questions and concerns about the proposed draft. The backflow device (called "reduced pressure principle backflow prevention," aka "R/P device") required in the proposed ordinance would require a freeze-protection attachment. The R/P device, staff advised, would be the most effective to prevent cross connections. The Oregon Administrative Rules do not require the R/P device (except for certain hazardous situations); however, it is recommended. Beaverton and West Linn require an R/P device for commercial irrigation.</p> <p>Councilor Wilson said requiring an R/P device for all commercial and residential irrigation systems seems impractical and expensive. Installation of an R/P device is estimated to cost \$100 plus the expense of a freeze protection attachment. In addition, there is an annually required test costing about \$30-40.</p> <p>Councilor Wilson observed that the regulator often only looks at one issue and there is a need to balance the need for requirements with associated costs so it does not become an unnecessary burden to the homeowner. He said he does not see where there is documentation that cross connections have occurred causing major public health concerns. Councilor Wilson said he would also like to see annual testing expenses built into the rates. Water Quality Supervisor Goodrich advised that the devices</p>	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood, to table consideration of the proposed cross connection ordinance to allow staff more time to prepare a revised proposal based on the City Council's comments.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes									
Councilor Sherwood	Yes									
Councilor Wilson	Yes									
Councilor Woodruff	Yes									

Agenda Item	Discussion & Comments	Action Items (follow up)								
	<p>are owned by the customer and referred to liability issues associated with staff testing of these devices. Councilor Wilson commented that he did not see why this should be viewed any differently than meter reading, which is done by staff. City Manager Prosser said additional staff might be required if staff is used to test the backflow devices. Councilor Wilson requested the cost of testing be built into the rates so the owner does not have to remember to do it. Councilor Sherwood mentioned that Tualatin Valley Water District has an automatic notification process reminding people to test.</p> <p>Consensus of City Council was to request staff to review the proposed ordinance to make the cross connection regulations less onerous.</p>									
7. Public Hearing to Consider an Ordinance Implementing a Gas Tax for Greenburg/99W/ Main Street Improvements	<p>Mayor Dirksen opened the public hearing.</p> <p>City Engineer Duenas introduced this agenda item. The proposed ordinance would establish a three-cent tax on each gallon of motor vehicle fuel with the revenue dedicated to the Greenburg Road/99W/ Main Street intersection improvements. The driving force behind these improvements is that the county is in the initial stages of design for the Hall and 99W intersection and the improvements to Greenburg Road would complement those improvements to reap the full benefits of the intersection improvements at Hall Boulevard. As long as Greenburg Road and 99W remains a bottleneck, full benefits of the county's improvements will not be realized. The proposed fuel tax is a recommendation from the Transportation Financing Strategies Task Force (TFSTF) appointed by the City Council. Mr. Duenas introduced Gretchen Buehner, the Chair of the TFSTF. He also advised that the following members of the TFSTF were also present: Bev Froude and Ralph Hughes (was at the meeting earlier, but left).</p> <p>TFSTF Chair Buehner reviewed the status of what had occurred over the last two-and-one-</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Wilson, to adopt Ordinance No. 06-21.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
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Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>half years. The City Council reactivated the TFSTF to look at options for financing transportation projects. Gas tax revenues have been increasing at a rate far lower than inflation leading to erosion of funds available for financing of capital projects. In early 2005, after about nine months of review, the Task Force decided that a local gas tax was the best option. Using the very successful Washington County MSTIP format, the Task Force made a recommendation to Council to tie the local gas tax to a specific project or projects. At that point, the City Council asked the Task Force to come back to them with a proposal.</p> <p>Washington County began the preliminary engineering to improve the Hall and 99W intersection. After work with the Oregon Department of Transportation (ODOT) and the City of Tigard, a joint funding package was created allowing that project to go ahead. In the fall of 2005, Council hired an engineering consulting firm to look at options for improvements on the Greenburg Road intersection. A report on those options was given to the City Council earlier this year. Also, during the early part of this year, the Task Force reviewed the consultant's report, looked at funding estimates, and potential gas tax revenues. Revenues were estimated to be about \$300,000 per year per one cent of gas tax. The Task Force determined that the Greenburg Road project met all of the criteria, which had been established in previous Task Force discussions. This would really work out well if it could be done concurrently with the 99W project because it would allow the road to be torn up only once and potentially save the taxpayers some money.</p> <p>Because Tigard has 14 gas stations, a much larger number than other parts of the county, a three-cent gas tax could pay for the project in approximately five years. The proposal has a sunset clause that would terminate the gas tax when the project is paid for.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>During the summer of 2006, the City did a citizen survey and congestion on 99W came back as the No. 1 issue of concern of our citizens. The Task Force made a recommendation to City Council in July 2006 and specifically mentioned the time sensitivity because of the ongoing Hall Street project. A rapid decision would allow concurrent construction and save taxpayers significant dollars.</p> <p>The City Council directed the Task Force to meet with gas station owners to get feedback from the industry. The Task Force met with the gas station owners twice in September. The owners are concerned about whether this tax would put local stations at a disadvantage competitively with other communities and any tax should be imposed at a state level. Ms. Buehner noted that Multnomah County has had a similar gas tax for at least the last 20 years, so anyone who is coming down 99W from Portland is coming from an area that has this tax.</p> <p>Another issue that was raised by Task Force members was a concern about the ability of getting the state tax increased anytime in the near future because the gas station owners, AAA, and the trucking industry have been unable to come to agreement since 1991. In addition, the state and/or county gas tax revenues are allocated on a per capita basis and because Tigard has such a large number of gas stations in comparison with its population, it would get fewer dollars based on a per capita distribution. For example, we are looking at a potential \$300,000 per one cent of gas tax based on the stations that we have here in the city as opposed to getting somewhere between \$145 – 170,000 per one cent of gas tax if it was coming from the county and/or the state.</p> <p>The gas station owners also raised the issue that it was unfair to charge them and not other businesses. The Task Force took that issue</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>seriously and looked at the possibility of increasing business taxes on all other businesses in the community. Unfortunately, the potential amount of revenue that could be raised from doing this is minimal compared to what would be realized from gas tax revenues; i.e., \$30,000 per year. But, the Task Force was very concerned about what the gas station owners were saying in terms of fairness. The Task Force looked at making sure that if the state or the county passes an increase in gas tax, that this would be credited against any tax that the City of Tigard has; such language has been included in the proposed ordinance.</p> <p>Council had concerns about how the citizens of Tigard feel about a gas tax. At the direction of City Council, the Task Force held two open houses in November and the Task Force was quite surprised that there was relatively little negative response. Most people understood the fact that we have serious problems obtaining revenue. Ms. Buehner said she was quite surprised at how few people attended these meetings given the potential importance of the issue.</p> <p>At the last study session, the City Council agreed to hold a hearing on this tax, which is why the matter is before the Council this evening.</p> <p>Public Testimony</p> <p><u>Opponents</u></p> <p>Steve O'Toole, of the Oregon Petroleum Association, 7070 SW Fir Loop, Tigard, Oregon 97223 and Dave Kimmel, 1335 SW 66th Avenue, Suite 201, Portland Oregon 97225 testified.</p> <p>Mr. O'Toole said that Ms. Buehner covered many of the areas of concern; however, he said he would note additional issues. He said his association has been opposed to local gas taxes no matter where they have come up. He said they have been in support of a statewide gas tax</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>because this would create a “level playing field all the way across the state.” Their concern is with a number of local gas taxes being proposed in individual locations. Once some of these are passed, it makes it an easier situation to say that they do not need to increase the statewide gas tax. Mr. O’Toole said that Ms. Buehner was correct when she said that it has been a number of years since the last statewide gas tax. However, there have been a few developments within the last couple of years that might make a difference during the upcoming legislative session. One difference is that the States of Washington, California and Idaho have increased their gas taxes. Therefore, there is room for Oregon to increase the statewide gas tax.</p> <p>Mr. O’Toole said his second point is that there is evidence that there is activity indicating that the legislators are concerned about this issue. Mr. O’Toole said his association supports a statewide gas tax as they agree that there are a lot of projects that need funding within local jurisdictions.</p> <p>Mr. O’Toole said they are not actually opposed to the project named in the ordinance; however, they are opposed to the funding source identified. It is an unfair burden to a number of the association’s members. He said his members are not “big oil”; they are retailers and a very small part of the final gas price is decided by retailers. They have been having a very difficult time in the last ten years. He referred to increased competition with “big box” stores. He also noted a lot of work by the Department of Environmental Quality (DEQ) imposing regulations. DEQ, ODOT, Fire Marshall’s office, and Weights and Measures are all asking for fee increases this year. Mr. O’Toole said there has been a substantial number of consolidations and mergers because many of the dealers can no longer survive. Therefore, for all of the reasons mentioned above, they are very concerned about a local gas tax. He referred to</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>the competitive nature of the business where customers will travel to other stations to save a few cents more. Very little of this tax may be passed on to the consumer because of the competitive environment.</p> <p>Mr. Kimmel said that Cain Petroleum has two stations in Tigard. One is at Highway 99W and McDonald and the other is the Chevron station just before the off-ramp to Highway 217 on 99W. In both cases, these stations are “pretty much fuel only” so there are limited resources in terms of other alternatives in terms of producing income on the property.</p> <p>Mr. Kimmel said the competition from outside Tigard would have, essentially, an automatic three-cent discount. Margins are just not big enough to remain competitive and they would lose significant volumes of customers. Therefore, the projections of the amount of revenue from the gas tax will be off because these projections are based on the current volume of fuel sales. He explained that major companies no longer discount prices within zones; all stations buy fuel at exactly the same price. There is no way of having a competitive advantage with a three-cent tax to maintain their sales volumes and they are very concerned their volumes will drop significantly. He’s concerned that they may be forced to close one or both of their facilities in Tigard.</p> <p>Local owners are not making a lot of money even though gas prices have almost tripled. He said he believes this concern holds true for all of the stations within the Tigard area. He noted Beaverton, Tualatin, Sherwood, and King City dealers would likely receive more business. Today, people are a lot more mobile and travel to other areas for work and will buy gas outside their local area.</p> <p>Mr. Kimmel said that Multnomah County does have a gas tax and the County is losing stations and no new stations have been built in the</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>County almost 20 years. This is why Tigard has more stations per capita than Multnomah County and the City of Portland. He does not think people will buy their gas in Tigard to help support the Greenburg Road improvement project; rather, they will buy at the facility offering the cheapest price. The local citizenry that will be hurt the most by this are those that do not drive much and who use the infrastructure the least. Because they stay within the local area, they will have to pay that tax more. The other consequence is that citizens might travel outside the area to purchase gas because it is cheaper and then do their shopping outside the region thereby damaging other local businesses as well.</p> <p>Mr. Kimmel said they are not against the transportation improvements. However, he believes any tax should be implemented on a statewide basis.</p> <p>Councilor Sherwood noted that about ten years ago she was with a group that opposed the Texaco station on Bull Mountain Road because it was located in a neighborhood and there was concern about the congestion it would create at the location. At that time, gas companies wanted to locate near where people live. She said she thinks most people travel to the gas station closest to home and noted this is what she does. Mr. O'Toole said that was the philosophy in the past; however, current studies indicate that over the last few years as gas prices have gone up, the main consumer consideration is now the price of gas. Loyalty to a gas station used to be a lot stronger than it is today. Mr. Kimmel agreed with Mr. O'Toole that price is the major draw for gas customers.</p> <p>Councilor Sherwood challenged that if something is not done about the intersections on 99W, people will not use 99W and, thus, will go somewhere else to get their gas. Mr. Kimmel said they would support a statewide tax to put money back into the communities to work on</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>infrastructure. Councilor Sherwood said if she thought the legislature would take up this issue, then this wouldn't be considered by Tigard. Mr. O'Toole said they have in the past and will in the future testify in support of a statewide gas tax.</p> <p>Phil Yount, 112722 SW Cottonwood, Tigard OR 97223 referred to the work done by the citizen group for the last 2-1/2 years that was recommending the gas tax. As a private citizen, he agrees with the testimony of Mr. O'Toole and Mr. Kimmel. He will look for a lower gas price. He said he notices prices more now than he did 10 or 20 years ago, for which the difference in price can be up to 15-cents per gallon. He said most people are price conscious. Mr. Yount would support a statewide increase or, if it were possible, to add some to the property tax, where "I get to complain once a year instead of every time I fill my tank."</p> <p>Councilor Sherwood and Mayor Dirksen indicated that a property tax increase was not a realistic option. Councilor Sherwood questioned Mr. Yount about what he would do to improve the traffic flow and connectivity in the city. Mr. Yount said he would rather see the City Council put pressure on the state legislature to get a three-cent allocation. Councilor Sherwood said if the state does pass a gas tax, then the local tax will be discontinued. City Engineer Duenas explained the amount would be credited since the one-cent state tax would not be equivalent to a one-cent local tax. Mayor Dirksen asked that if the state or county were to raise a gas tax, would City of Tigard immediately reduce its gas tax or would it sunset the gas tax sooner. City Engineer Duenas said the ordinance is written to sunset after five years, but the amount coming from the state could be credited to it, which would lower the tax.</p> <p>Councilor Sherwood asked Mr. O'Toole if mergers of stations were occurring primarily because of a change in regulations relating to</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>storage tanks. Mr. O'Toole said that many of the tank upgrades occurred in 1998.</p> <p>Mr. O'Toole suggested a possible solution, which would be to charge the local businesses and to spread the burden so that it would cover everyone within the community. A street utility fee could be charged to the business community as well as individuals. This would bring in more income. The problem is that there are only about 14 gas stations and the amount of income the City will receive will not be that substantial and you are putting an unfair burden on those gas stations when they cannot pass on the tax.</p> <p>Councilor Sherwood said one of the reasons she liked this tax was because the people who are using the highway are the ones that will be helping to pay for it. Mr. O'Toole said a lot of times the users will not pay; rather, it will be the gasoline dealers who pay. Mr. O'Toole that gasoline dealers are being charged more by the refiners than what is being charged to the consumer – the dealers can't keep up with the increase in their charges and they also have to be concerned with the competition. There are only certain periods during which the dealer will make much money from gasoline sales; most gasoline dealers make their money with the attached stores and car washes.</p> <p>Mayor Dirksen closed the public hearing.</p> <p>Council discussion on the proposed ordinance followed:</p> <p>Councilor Wilson said transportation congestion on Highway 99W is the big issue in the City of Tigard. He said that if he thought this was entirely a burden on the station owners, he would vote no. He said he did not discount what Mr. Kimmel and Mr. O'Toole have said as he did think that initially there might be some inability to pass on the tax. However, he said he thought that the reason there are so many gas stations in Tigard is the same reason for the</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>congestion and that is because Tigard has major highways running through it.</p> <p>Councilor Wilson said Tigard has a street maintenance fee to take care of local streets, which should be paid by local residents and businesses. The gas tax is for maintaining highways that the City of Tigard is burdened with and for which the state has been unable to address the problems over the years. There have been no significant improvements for 30 years. In addition, half of the use is from people who are passing through Tigard. We need to be able to capture dollars from people who do not live here and to bear that burden as well.</p> <p>Councilor Wilson said that people will continue to buy gas and the likelihood is that they will purchase it closest to where they live. He said he did not doubt that some people would go elsewhere to save a few cents and businesses might take a short-term hit. In the long run, things will balance out and, hopefully, at the state level there will be a gas tax passed soon that will make this whole thing go away.</p> <p>Councilor Wilson noted that the bottom line is that throughout the region people are getting frustrated with the level of congestion for which nothing has been done for years. It's time to move on with this and Councilor Wilson said he was going to vote yes on the ordinance.</p> <p>Councilor Sherwood agreed with Councilor Wilson's comments. This has been studied for several years and citizens have reviewed the situation to determine a solution. She said there is a Tigard street maintenance fee for local streets. It is time that we quit waiting for the state to do something about our roads and the problems in our city and that we do something on our own. Councilor Sherwood said she was going to vote yes on the ordinance.</p> <p>Councilor Woodruff said it's a big responsibility for any elective body to talk about raising taxes</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>of any kind and we need to take that very seriously. He said he was especially concerned about the testimony that this might place an unfair burden on just a few people in Tigard who own the stations; this is certainly not the intent. Councilor Woodruff the tax is intended to affect the people who are creating the problem. The use of those tax dollars is directed toward a solution to the problem. He said he believes that is the case here.</p> <p>Councilor Woodruff said he certainly did not want to see stations close down. He said that if gas prices were more understandable to people, it would be an easier argument. He said he does not know anyone who understands how gas prices are determined – they are different at every station at every locality. Pricing does not seem logical to the average consumer. The station owners might not be able pass this on and it may mean that the bottom line for those two stations will be adversely affected and he would not want to see the small stations close down. He said if there was an opportunity to see the books and better understand the operations related to the prices that are paid and then compare this information a year from now, that information would be helpful. He understands this is proprietary information and it is difficult for station owners to share this; therefore, it leaves some mystery as to how this will all work.</p> <p>Councilor Woodruff pointed out that this is less than a 1% tax on the current gas prices. No one likes to pay the price of gas now. Councilor Woodruff said he wished there was another option. We all agree that this is a major problem with the state highway running through town. Tigard does not have a whole lot of control on this. We wish that Oregon Department of Transportation (ODOT) was better able to provide funding to make the necessary repairs to reduce the congestion on 99W.</p> <p>Councilor Woodruff said he thought the citizens</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>of Tigard expect us to do what we can with the resources for which we have access to make improvements that are possible on 99W. This has been researched by not only our citizens group, but by professionals who believe that this project would improve the congestion on 99W. This ordinance was written in a way that will allow for there to be a reduction if there are other taxes. Perhaps this will give all of us more impetus to advocate for a statewide tax. He agreed it would be better if there was a total even playing field, but we do not know what will happen and whether the state will step up. The longer we wait, the less opportunity there will be to have the proposed project occur at the same time other improvements are being made on Hall Boulevard.</p> <p>Councilor Woodruff said he was not enthusiastic about doing this because it is a serious step to cause people to potentially pay more money for a product. But, the public has sent a clear message that they want to see us to do something about the congestion on 99W. Councilor Woodruff said that this is the best option that we have on the table at this point.</p> <p>Mayor Dirksen said that a sequence of questions could be asked on this issue with the first question being, "Is there, in fact, a congestion problem on our streets that needs to be addressed?" Our citizens have told us on more than one occasion that there definitely is a problem and they are demanding that this be taken care of. This is something that this City Council needs to address.</p> <p>The next question is, "Does the money to alleviate that congestion...does it already exist – do we already have it in our revenue stream?" Mayor Dirksen said he was surprised that there wasn't at least one person testifying tonight to say new taxes should not be added because there is enough money that should be used more efficiently. There is no extra money to address this.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>The final question then is, "Where shall that money come from?" After deliberation by a citizen group and discussions with this Council and others, the conclusion was that the best way to fund a project to help solve the problem is through a local gas tax. A gas tax immediately impacts those who use the roads and not just our citizens. Logic would indicate that this is the fairest way to come up with the money for the project; it is not necessarily perfectly fair, but it is the fairest way available to us.</p> <p>Mayor Dirksen said he was not unsympathetic to the concerns of the gas station owners. Assuming they could pass all the gas tax on to the customers, it will still represent an administrative burden. He said he knows that having local gas taxes from different jurisdictions will make life more complicated for station owners.</p> <p>Mayor Dirksen said his opinion differs in one regard to those stated by other City Council members. It would not be in the best interests of the City of Tigard if a state or county gas tax was instituted. He said he is a big proponent of local control. If the taxes were collected by the state or county, Tigard would receive \$500,000 less per year, which would mean our citizens would pay the same tax with less return.</p> <p>Over and over again, the citizens of Tigard, are seeing their taxes raised by someone else and then the money goes someplace else to serve someone else. Mayor Dirksen said he sees the local gas tax as a way for us to completely control the collection and the expenditure of this gas tax money, so that the people who pay it receive the benefit. For that reason, he said he personally thinks a local gas tax for the citizens of Tigard is preferable to a county or a state gas tax. Recognizing the impact that this would have on others if we were to impose a local gas tax and then other gas taxes were imposed as well, we have crafted provisions into the</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>ordinance so we would not end up taxing our citizens twice nor would we impose a double burden on our local businesses. He said he sees no better way to do this and he would support the ordinance.</p> <p>In response to a comment from Councilor Woodruff, Mayor Dirksen said he would personally buy gas in the City of Tigard in order to help pay for the improvements that are needed. He hoped other citizens who are civic minded would do the same.</p> <p>City Council then voted on the proposed ordinance.</p> <p>ORDINANCE NO. 06-21 – AN ORDINANCE CREATING AND IMPOSING A TAX ON MOTOR VEHICLE FUEL DEALERS, PROVIDING FOR ENFORCEMENT, ADMINISTRATION AND COLLECTION OF THE TAX, AND AMENDING THE TIGARD MUNICIPAL CODE BY ADDING A NEW CHAPTER, 3.65.</p>	
8. Fourth Quarter Council Goal Update	<p>City Manager Prosser presented the staff report on this agenda item. A written summary of the status of the City Council goals is on file in the City Recorder's office.</p> <p>City Council met in a goal-setting session on December 11 and identified five major goals. The City Council is now reviewing a draft of the proposed goals; final goals are scheduled for City Council approval at its January 23, 2007, meeting.</p>	
Adjournment	The meeting adjourned at 9:43 p.m.	<p>Motion by Councilor Wilson, seconded by Councilor Woodruff, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
		present. Mayor Dirksen Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes

Attest:

Catherine Wheatley, City Recorder

Mayor, City of Tigard

Date:_____

Agenda Item #

CCDA 3.2

Meeting Date

January 23, 2007

CITY CENTER DEVELOPMENT AGENCY AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Shall the current citizen members of the City of Tigard Budget Committee be appointed to serve on the Budget Committee of the City Center Development Agency?

Prepared By: Robert SesnonDept Head Approval: RSCity Mgr Approval: CR**ISSUE BEFORE THE CITY CENTER DEVELOPMENT AGENCY**

In order to comply with Oregon state budget law, the City Center Development Agency must appoint an equal number of citizens to board members to serve on its budget committee. The CCDA previously indicated its desire to appoint the current members of the City of Tigard Budget Committee to also serve on the Development Agency's Budget Committee.

STAFF RECOMMENDATION

Staff recommends that the current members of the City of Tigard Budget Committee be appointed to serve on the Budget Committee of the Tigard City Center Development Agency, concurrently with their terms on the City Budget Committee. The current members and terms are as follows:

	Original Appointment	Term Expires
Mark Haldeman	April 2004	December 2007
Rick Parker	July 2005	December 2008
Katie Schwab	July 2004	December 2007
Jason Snider	May 2005	December 2009
Dena Struck	January 2007	December 2009
Cameron James (Alternate)	January 2007	December 2007

KEY FACTS AND INFORMATION SUMMARY

In accordance with Oregon state budget law, each government entity must form a budget committee composed of an equal number of citizens to board members. With the approval by Tigard voters of the urban renewal district in June 2006 the City Center Development Agency must also form a budget committee. The CCDA previously indicated its desire to appoint the current members of the City of Tigard Budget Committee to also serve on the Development Agency's Budget Committee.

OTHER ALTERNATIVES CONSIDERED

The City Center Development Agency may recruit and appoint other citizen members to the Budget Committee.

CITY COUNCIL GOALS

City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.

ATTACHMENT LIST

None.

FISCAL NOTES

None.

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**CITY OF TIGARD, OREGON
CITY CENTER DEVELOPMENT AGENCY
RESOLUTION NO. 07-_____**

A RESOLUTION APPOINTING MARK HALDEMAN, RICK PARKER, KATIE SCHWAB, JASON SNIDER AND DENA STRUCK TO SERVE AS MEMBERS OF THE BUDGET COMMITTEE, AND APPOINTING CAMERON JAMES TO SERVE AS ALTERNATE MEMBER OF THE BUDGET COMMITTEE

WHEREAS, OREGON BUDGET LAW REQUIRES THAT A BUDGET COMMITTEE BE FORMED CONSISTING OF AN EQUAL NUMBER OF CITIZENS AND BOARD MEMBERS.

NOW, THEREFORE, BE IT RESOLVED, by the Tigard City Center Development Agency that:

SECTION 1: Mark Haldeman, Rick Parker, Katie Schwab, Jason Snider and Dena Struck are appointed to serve as members of the budget committee concurrent with their terms on the Tigard City Budget Committee; and

SECTION 2: Cameron James is appointed to serve as an alternate member of the budget committee, concurrently with his term on the Tigard City Budget Committee.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____, 2007.

Chair – City of Tigard
City Center Development Agency

ATTEST:

Recorder – City of Tigard City Center Development Agency

CCDA Resolution No. 07-_____

Agenda Item #

3.3

Meeting Date

January 23, 2007

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Appointments to the Planning Commission

Prepared By: T. Coffee

Dept Head Approval:

TC

City Mgr Approval:

cl

ISSUE BEFORE THE COUNCIL

Should Council appoint Jeremy Vermilyea, Tom Anderson, and Margaret Doherty to the Planning Commission?

STAFF RECOMMENDATION

Staff recommends appointing Jeremy Vermilyea, Tom Anderson, and Margaret Doherty to the Planning Commission.

KEY FACTS AND INFORMATION SUMMARY

Jeremy Vermilyea was filling an unexpired term on the Planning Commission which expired December 31, 2006. He has applied for reappointment to a 4-year term which would expire December 31, 2010.

Commissioner Gretchen Buehner was elected to Council. She leaves an unexpired term on the Planning Commission which expires December 31, 2009. Commissioner Patrick Harbison resigned from the Planning Commission effective December 31, 2006. He was filling an unexpired term which expired on the same date.

Tom Anderson and Margaret Doherty applied for Planning Commission seats. They were interviewed by the Mayor's Appointment Advisory Commission and were recommended to fill current vacancies on the Planning Commission.

OTHER ALTERNATIVES CONSIDERED

None

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Visioning Goal #1 – The City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.

ATTACHMENT LIST

Attachment 1: Proposed resolution appointing Jeremy Vermilyea, Tom Anderson, and Margaret Doherty as Planning Commissioners.

Attachment 2: Biographical Information

FISCAL NOTES

N/A

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 07-_____

A RESOLUTION APPOINTING JEREMY VERMILYEA, TOM ANDERSON, AND MARGARET DOHERTY TO THE PLANNING COMMISSION.

WHEREAS, there currently exist three vacancies on the Planning Commission; and

WHEREAS, Commissioner Jeremy Vermilyea has applied for reappointment to a 4-year term; and

WHEREAS, Tom Anderson and Margaret Doherty applied for appointments to the Planning Commission and were interviewed by the Mayor's Appointment Advisory Commission; and

WHEREAS, the Mayor's Appointment Advisory Commission recommends that Council appoint Jeremy Vermilyea, Tom Anderson, and Margaret Doherty to fill the Planning Commission vacancies.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Jeremy Vermilyea is appointed to a 4-year term on the Planning Commission which expires December 31, 2010.

SECTION 2: Tom Anderson is appointed to the Planning Commission to fill an unexpired term which expires December 31, 2009.

SECTION 3: Margaret Doherty is appointed to a 4-year term on the Planning Commission which expires December 31, 2010.

SECTION 4: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2007.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

**PLANNING COMMISSION RECCOMENDED
APPOINTEE BIOGRAPHICAL INFORMATION**

Jeremy Vermilyea is an attorney with Jordan Schrader PC in Lake Oswego. He earned a Bachelor of Arts from the University of Alaska and graduated from the Vermont Law School. Vermilyea has lived in Tigard for 2 years and served on the Kruse Way Rotary Club's board of directors. He has been filling an unexpired term on the Planning Commission since August, 2006.

Before she retired last May, Margaret Doherty worked as a labor consultant with the Oregon Education Association for 22 years. She has lived in Tigard for the past 15 years and volunteered at the Tigard Public Library for 9 years.

Tom Anderson serves as a managing principal broker with John L. Scott Real Estate in Tigard. He has attended Clackamas County College and Washington State University. Anderson has lived in Tigard for nearly 2 years and has served as a homeless shelter volunteer through his church.

Agenda Item #

3.4.a




Meeting Date

January 23, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Agreement with the Oregon Department of Transportation for a Traffic Signal Interconnection Upgrade project on Boones Ferry Road at Sequoia Parkway

Prepared By: Vannie Nguyen  Dept Head Approval:  City Mgr Approval: 

ISSUE BEFORE THE COUNCIL

Should Council approve an agreement with the Oregon Department of Transportation (ODOT) for a traffic signal interconnection upgrade project on Boones Ferry Road at Sequoia Parkway?

STAFF RECOMMENDATION

Staff recommends that Council, by motion, approve an agreement with ODOT for a traffic signal interconnection upgrade project on Boones Ferry Road at Sequoia Parkway and authorize the City Manager to sign the agreement.

KEY FACTS AND INFORMATION SUMMARY

- The project is initiated by ODOT and conducted in partnership with the City of Tigard and Portland & Western (P&W) Railroad as part of the federally-funded Highway-Railroad Crossing Program.
- In June 2006, ODOT, P&W Railroad, Washington County, and City staff reviewed the railroad crossing site on Boones Ferry Road west of Sequoia Parkway. As a result of the site investigation, all parties agreed to propose safety improvements to the crossing to enhance the safety, convenience and general welfare of the public.
- Improvements to the crossing include upgrading the existing train detection equipment circuitry, reprogramming the traffic signal controller at the Boones Ferry Road/Sequoia Parkway intersection, and interconnecting the traffic signal with the crossing. The upgraded crossing and traffic signal systems will operate such that when an approaching train is detected, the pedestrian and traffic signals will be preempted to provide an appropriate interval for vehicular and pedestrian traffic to clear the tracks before the train enters the crossing.
- An agreement has been prepared by ODOT outlining the terms and conditions that are mutually agreeable to the contracting parties, which include the City of Tigard and the State of Oregon, acting by and through ODOT. In accordance with the agreement, the City will agree to perform all field surveys, preliminary engineering and final design required to produce construction plans, specifications and cost estimate for reprogramming the traffic signal and interconnecting the signal to the crossing. The City will also provide construction, construction inspection and construction management services for the project, which are estimated to cost \$20,000. The amount will be fully reimbursed by ODOT upon completion of the project.
- P&W Railroad will perform all necessary work to upgrade the existing train detection equipment circuitry at the Boones Ferry Road grade crossing and interconnect it with the 72nd Avenue grade crossing. Work performed by the railroad will also be reimbursed by ODOT.

OTHER ALTERNATIVES CONSIDERED

None

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

This project meets the Tigard Beyond Tomorrow Transportation and Traffic goal of "Improve Traffic Safety".

ATTACHMENT LIST

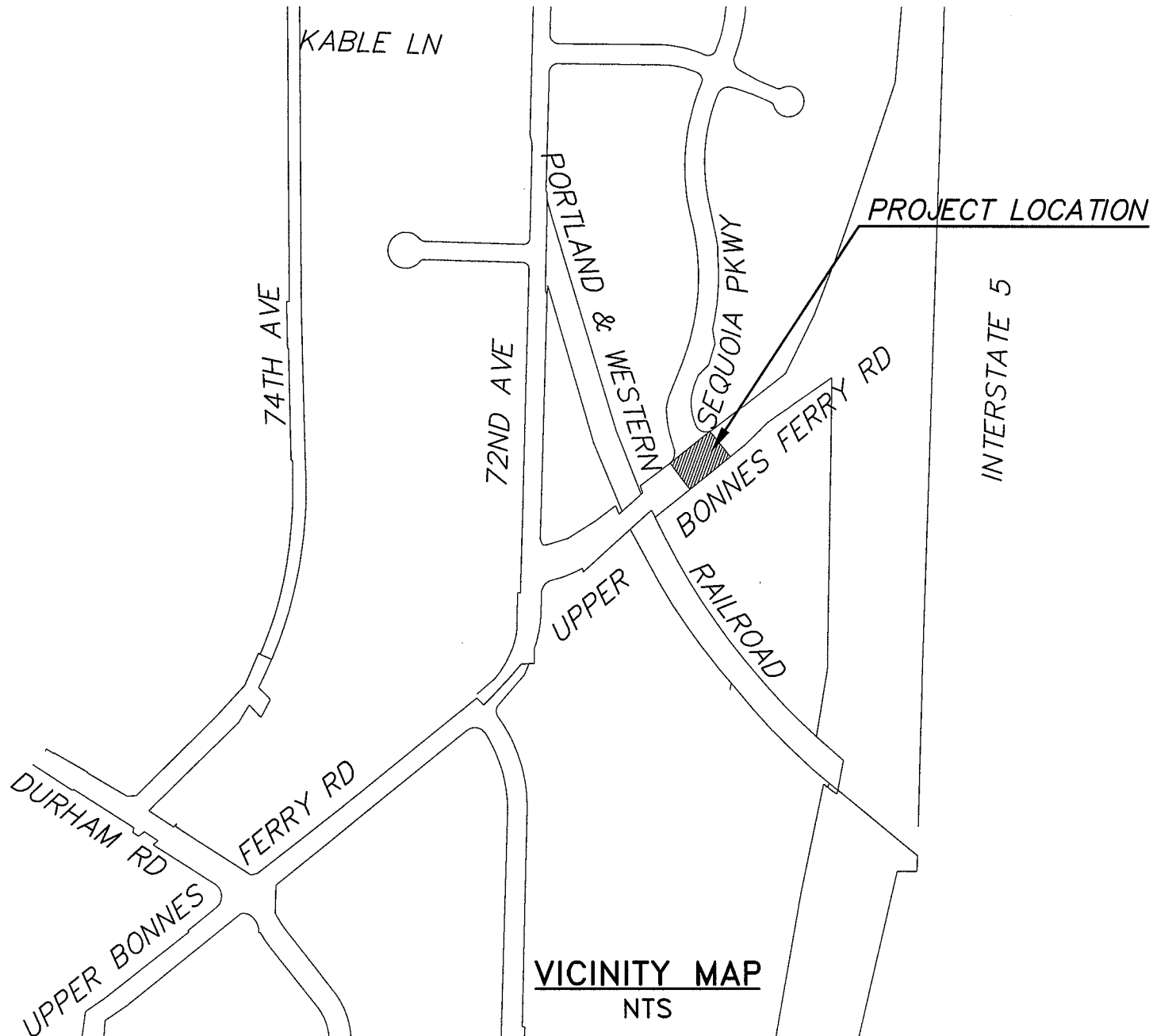
Project Location Map

FISCAL NOTES

The amount of \$20,000 has been proposed for the FY 2007-08 CIP. This amount should be adequate to complete the work specified in the agreement. The \$20,000 will be fully reimbursed by ODOT upon completion of the project.

Upon City Council approval of the agreement and the budget and after ODOT has issued a Notice to Proceed, staff plans to begin the project in late summer of this year.

TRAFFIC SIGNAL INTERCONNECTION UPGRADE ON UPPER BOONES FERRY ROAD AT SEQUOIA PARKWAY



Agenda Item #
Meeting Date

3.4.6
January 23, 2006

COUNCIL AGENDA ITEM SUMMARY
City Of Tigard, Oregon

Issue/Agenda Title Contract Award for Design Services for the 72nd Avenue/Dartmouth Street Intersection project

Prepared By: Vannie Nguyen *vn* Dept Head Approval: *CP* City Mgr Approval: *CR*

ISSUE BEFORE THE COUNCIL

Should Council, acting as the Local Contract Review Board, approve a contract award to W&H Pacific Corporation to perform design services for the 72nd Avenue/Dartmouth Street Intersection project?

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board, by motion, approve a contract to W&H Pacific Corporation to perform design services for the 72nd Avenue/Dartmouth Street Intersection project in the amount of **\$220,154.62**.

Staff further recommends authorization of an additional amount of \$22,000 to be reserved as a contingency for the project and applied as needed as the project progresses towards completion. The total amount committed to the project is therefore **\$242,154.62**.

KEY FACTS AND INFORMATION SUMMARY

- In March 2006, staff prepared a Request for Proposal to qualify engineering firms for survey, engineering design and construction management services on an as-needed basis.
- On April 25, 2006, Council approved three contract awards to the following Civil Engineering firms: Century West Engineering Corporation, Group MacKenzie, Inc. and W&H Pacific, Inc. Council also authorized the City Manager to execute design contracts with the firms for projects up to and including \$50,000. Projects exceeding that amount will be submitted for LCRB approval.
- Group MacKenzie and W&H Pacific have been authorized to perform work for various projects including Tigard Triangle Local Reimbursement District, Derry Dell Creek Geological Slope Evaluation, Ash Avenue Extension, 97th Ave and 100th Ave Sanitary Sewer Reimbursement Districts.
- The design for the 72nd Ave/Dartmouth Street Intersection project is included in the FY 2006-07 CIP. Upon completion of the design, the final plans will be used during the Development Review process requiring developers to construct the improvements to meet land use approval conditions.
- Staff requested a proposal from W&H Pacific for design services on the subject project and has reviewed the proposal to ensure completeness of the scope of services and adequacy of the fees proposed. The amount of \$220,154.62 submitted by the consultant includes topographic survey, traffic study, wetland permitting, preliminary design, and final design.
- Staff also requested the consultant to submit a fee proposal for bid assistance, construction survey and as-built plan preparation to provide the City an opportunity to expand the scope of services if the City chooses to proceed with the construction. These tasks amount to **\$39,503.88**, which could be used to issue a separate

work order with the consultant without further negotiations. The contract amount of \$242,154.62 requested for Council approval does not include this fee.

- The FY2006-07 CIP identifies a culvert enhancement project located on 72nd Ave, approximately 100 feet south of the intersection. Enhancement of existing culverts is one of the action plans identified in the Healthy Streams Plan prepared by Clean Water Services (CWS) to improve water quality, water quantity management and aquatic species habitat. This project is developed in partnership with CWS utilizing the Water Quality/Quantity Fund for design and construction.
- Due to close proximity of the existing culvert, staff has included the design for the culvert in the 72nd Ave/Dartmouth Intersection project to minimize the cost of project design and management. The design fee for the culvert enhancement project is **\$6,644.50**, which is included in the total cost of \$242,154.62.

OTHER ALTERNATIVES CONSIDERED

None

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

The 72nd Ave/Dartmouth Intersection project meets the Tigard Beyond Tomorrow Transportation and Traffic goal of "Improve Traffic Safety". Signalization of the intersection improves the orderly movement of traffic and therefore enhances the safety of pedestrians and motorists.

Upgrading the culvert on 72nd Avenue meets the Tigard Beyond Tomorrow Urban & Public Services goal of "Stormwater runoff is effectively managed".

ATTACHMENT LIST

Project Location Map

FISCAL NOTES

The amount of \$300,000 is available in the FY 2006-07 CIP Traffic Impact Fee Fund for the 72nd Ave/Dartmouth Street Intersection Signalization. The amount of \$100,000 is available in the Water Quality/Quantity Fund for the 72nd Avenue Culvert Enhancement project. These amounts are sufficient to award the design contract of \$220,154.62 to W&H Pacific. These funds are also sufficient to allow the additional amount of \$22,000 to be set aside as contingency funds for both projects.

72ND AVE & DARTMOUTH ST INTERSECTION SIGNALIZATION




VICINITY MAP

NTS

Agenda Item # 3.4. c
Meeting Date January 23, 2007

LOCAL CONTRACT REVIEW BOARD AGENDA ITEM SUMMARY
City Of Tigard, Oregon

Issue/Agenda Title Approve the Purchase of a 4x4 Backhoe Loader

Prepared By: Dennis Koellermeier Dept Head Approval:  City Mgr Approval: ck

ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Shall the Local Contract Review Board approve the purchase of a 4x4 backhoe loader from The Halton Company utilizing the State of Oregon contract and authorize the City Manager to sign for the purchase?

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board approve the purchase of the 4x4 backhoe loader from The Halton Company utilizing the State of Oregon contract and authorize the City Manager to sign for the purchase.

KEY FACTS AND INFORMATION SUMMARY

The City's Water Division needs to replace its current backhoe which was purchased in January of 1996 and is a fully depreciated asset. Staff identified the features and specifications needed in a new backhoe and determined the Caterpillar 430E IT best meets the City's requirements. Features of this equipment include:

- 4-wheel drive with extendable boom
- Additional hydraulics to run a compactor or hammer
- Maximum counterweights
- 1.25 cubic yard bucket
- Street stabilizers

The State of Oregon currently has a contract with The Halton Company for the Caterpillar backhoe. Through its membership in the Oregon Cooperative Purchasing Program, the City is eligible to purchase the backhoe through the State's contract with The Halton Company. Purchasing through State contract assures the City will receive a competitive price and this process also reduces the amount of staff time spent on the purchase.

OTHER ALTERNATIVES CONSIDERED

The Local Contract Review Board could chose not to approve the State contract purchase of the backhoe from The Halton Company and could direct staff on how to proceed with the backhoe purchase.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

None.

ATTACHMENT LIST

None.

FISCAL NOTES

The cost of the backhoe through State of Oregon contract is just over \$112,000. There is \$120,000 budgeted in the current FY '06/ '07 Water Fund for this purchase.

Agenda Item #

3.4.d

Meeting Date

January 23, 2006

LOCAL CONTRACT REVIEW BOARD AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Award of contract for a Geographic Information System (GIS) needs assessment and implementation plan.

Prepared By: Joe Barrett

Dept Head Approval:

PLB

City Mgr Approval:

cl

ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Shall the Local Contract Review Board approve the award of a contract for services related to a Geographic Information System (GIS) needs assessment to Tetra Tech/KCMP?

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board approve the award of a contract for services related to a GIS needs assessment to Tetra Tech/KCM and authorize staff to take the necessary steps to execute the agreement.

KEY FACTS AND INFORMATION SUMMARY

Work on the City's new GIS system has been underway for several months now and it is anticipated that the project will be completed within the next 24 months. To date, a GIS Strategic Plan has been completed as well as the first phase of the crime mapping pilot project. The next critical step is the completion of a comprehensive needs assessment that will fully identify all data elements to be collected and a clear articulation of the specific outcomes to be achieved.

On November 06, 2006 staff issued a Request for Proposals to qualified firms for the development of a GIS needs assessment and implementation plan. This solicitation was open to the 13 firms that had been prequalified through a formal Request for Qualifications that was issued in May of 2006. Of the prequalified firms, the City received proposals from six. The proposals were reviewed and scored by staff on the following criteria:

- Project Understanding,
- Proposed Project Plan,
- Cost Proposal,
- Proposed Project Schedule, and
- Project Team Member Qualifications.

After the review and scoring was completed, Tetra Tech/KCM has been determined by staff to have the proposal that best meets the City's needs and is staff's recommendation to received the contract to conduct the City's GIS needs assessment and develop an implementation plan.

OTHER ALTERNATIVES CONSIDERED

As mentioned above, proposals from five other firms were reviewed and considered

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

The GIS system will provide tools to be used by staff in support of several of the City Council goals, including the revision of the City of Tigard comprehensive plan, implementation of the downtown plan, and improvements to the 99W corridor.

ATTACHMENT LIST

None.

FISCAL NOTES

The estimated total for the contract is \$76,000. The contract will be will be funded through cost savings in multiple funds including, but not limited to, the City's Stormwater, Sanitary Sewer, and Water funds.

Agenda Item # 3.4.e
Meeting Date January 23, 2006

LOCAL CONTRACT REVIEW BOARD AGENDA ITEM SUMMARY
City Of Tigard, Oregon

Issue/Agenda Title Award of contract for monthly *Cityscape* newsletter printing services.

Prepared By: Joe Barrett Dept Head Approval: *EW* City Mgr Approval: *cl*

ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Shall the Local Contract Review Board approve the award of a contract for services related to the printing and mailing of the City's monthly *Cityscape* newsletter to Precision Graphics?

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board approve the award of a contract for services related to the printing and mailing of the City's monthly *Cityscape* newsletter to Precision Graphics and authorize staff to take the necessary steps to execute the agreement.

KEY FACTS AND INFORMATION SUMMARY

As a vital communication tool for its citizens, the City issues a monthly newsletter, *Cityscape*, which is mailed to all homes and businesses in the City. *Cityscape* includes information on timely topics such as elections or City-sponsored events, the "Mayor's Corner" message from the Mayor, volunteer opportunities, and the "Shelf Life" page on Library events.

In November of 2006, staff issued a Request for Proposals seeking a contractor to provide services relating to the printing and mailing of *Cityscape*. The City directly mailed the solicitation to five printers as well as advertising in newsprint and posting on the City's website. Proposals were due on December 7, 2006 and the City received one valid proposal from Precision Graphics, the City's current *Cityscape* printer. A proposal evaluation committee found the proposal to be attractive to the City based upon a review of the firm's qualifications, project understanding & approach, ability to meet deadlines, and proposed fee. Based on the strength of their proposal, the evaluation committee recommends the contract be awarded to Precision Graphic.

OTHER ALTERNATIVES CONSIDERED

None.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

None.

ATTACHMENT LIST

None.

FISCAL NOTES

The estimated total over the life of the contract, if the contract extends the possible five years, is \$350,000. The service is annually included in City Administration's budget. The contract does not commit the City to five more years of printing *Cityscape*; that decision is made annually through the budget process.

Agenda Item #

3,4 f

Meeting Date

January 23, 2007

LOCAL CONTRACT REVIEW BOARD AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Contract Award for Pavement Management Services

Prepared By:

A.P. Duenas

Dept Head Okay

epd for TC

City Mgr Okay

cl

ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Should the Local Contract Review Board award a contract to **IMS Infrastructure Management Services** for pavement management services on an as-required basis, and approve an initial work order for \$81,800?

STAFF RECOMMENDATION

That the LCRB approve, by motion, a contract award to **IMS Infrastructure Management Services** for pavement management services on an as-required basis with an initial contract work order authorized in the amount of \$81,800. The contract will be for a term of two years with option to renew for two additional one-year terms renewable one term at a time upon mutual agreement.

Staff also recommends that the City Manager be authorized to execute work orders with the firm for additional services up to and including \$50,000. Any work orders exceeding \$50,000 will be submitted for approval by the LCRB prior to commencement of work.

KEY FACTS AND INFORMATION SUMMARY

Ordinance No. 03-10 passed in November 2003 established the Street Maintenance Fee and required re-evaluation of the fee after three full years of collections. This re-evaluation must be completed during the next few months. It requires updating of the street condition ratings and establishment of a new 5-year street maintenance plan, which will be used to determine the new residential and non-residential fee rates.

The City will use the Hansen System Pavement Management software in the update of the street condition ratings. This will allow the Community Development Department staff to share information with Public Works staff already using various modules in the Hansen System. The pavement data collection, evaluation, entry and conversion, uploading to Hansen for certification, and training of City staff is best performed by consultant firms that are experienced in this work. These firms must have the appropriate equipment to perform the street ratings swiftly, must be able to obtain Hansen certification in a timely manner, must develop the reports needed to establish a new 5-year maintenance plan, and must have experienced staff available to fully train City staff in the use of the software.

The City sought the services of consultant firms through a Request for Proposals (RFP) to provide a full range of pavement management services on an as-required basis. These services include the following:

- Data Acquisition
- Digital Photo Acquisition
- Data Evaluation
- Data Entry, Conversion and Certification

- System Configuration and Development of Reports
- Detailed Final Report (Identification of the high-priority projects for the next five years and an assessment of the annual costs and potential street segments to be considered for the subsequent five years).
- Staff Training

The City received proposals from two firms on October 27, 2006 in response to an October 10, 2006 RFP. Both firms have provided pavement management services to other jurisdictions and are well-qualified to provide the full range of services requested. A selection committee consisting of representatives from the Community Development Department and the Information Technology Division evaluated each proposal and selected IMS Infrastructure Management Services as the firm best suited to provide the services requested. This firm possesses the resources needed to provide the required services and was selected based on firm qualifications, personnel qualifications, knowledge of local conditions, fee evaluation, and excellent performance based on reference checks.

OTHER ALTERNATIVES CONSIDERED

Do not award the contract for pavement management services.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Timely maintenance of the public street infrastructure meets the Tigard Beyond Tomorrow goal of *Improve Traffic Safety*.

ATTACHMENT LIST

Memorandum dated January 4, 2007 from the City Engineer to the Community Development Department Director explaining the need for additional funding to contract for pavement management services needed in the re-evaluation of the Street Maintenance Fee.

FISCAL NOTES

The FY 2006-07 Community Development Department budget includes \$30,000 for pavement management services needed to update the street condition ratings, establish a new 5-year street maintenance plan, and subsequently re-evaluate the current Street Maintenance Fee rates as required by Ordinance No. 03-10. Based on the full scope of services developed in consultation with firms that provide those services, that budgeted amount needs to be supplemented with an additional \$70,000 to contract for those services and to provide a contingency amount for additional services that may be required during the remainder of FY 2006-07. The additional funding will be from Street Maintenance Fee and Gas Tax revenues.

The discussion of the additional funding needed for pavement management services was originally scheduled for discussion with Council at its workshop meeting on January 16, 2007, which was cancelled because of inclement weather and icy conditions. That discussion has been rescheduled for the study session on the January 23, 2007 meeting. A budget amendment to provide the funding for the contract award and for additional services that may be needed during the remainder of FY 2006-07 has been submitted as part of the consent agenda for the meeting on January 23, 2007. This contract award is likewise submitted as part of the consent agenda at the same meeting. If Council agrees with the request for additional funding, the two items will remain on the consent agenda for Council consideration. If Council does not agree with the request, the two agenda items (budget amendment and contract award) will be removed from the consent agenda.



MEMORANDUM

TO: Tom Coffee
Community Development Department Director

FROM: Gus Duenas *Gus*
City Engineer

RE: Request for Additional Funding
Pavement Management Services

DATE: January 4, 2007

The Street Maintenance Fee was established by Ordinance 3-10 in November 2003 and collections began in April 2004. The ordinance establishing the fee requires re-evaluation of the fee after three full years of collections. This re-evaluation must be completed during the next few months. It requires updating of the street condition ratings and establishment of a new 5-year maintenance plan, which will be used to determine the new residential and non-residential charges.

The decision was made a couple of years ago to convert the current Pavement Management software to the Hansen System. This would allow the Community Development staff to share information with Public Works staff already using various modules in that system. We purchased the Hansen Pavement Management Module in FY 2005-06, but were not able to activate it until the servers were upgraded to run the entire Hansen system adequately. The amount of \$30,000 is included in the FY 2006-07 Capital Construction and Transportation Division budget for pavement management services via consultant to update the street condition ratings and to train staff in the use of the Pavement Management Module.

During discussions with consultants in the preparation of the scope of work for the RFP (Request for Proposals), we found out that there is a lot more involved than updating of the ratings and training. The initial setup prior to the physical inspections, the data entry and conversion, the uploading of the data to Hansen, the certification of the data by Hansen, the creation of the reports needed, and any other services required after the training is completed are all necessary to ensure that the system is operational and able to be used by the City staff. Included in the overall costs are the fees that Hansen charges for their part of the process. So that the product can be complete as possible, we included digital photo acquisition in the RFP scope as part of the street rating updates to provide visual documentation of street segments.

The costs for those services are significant and were not anticipated during the budget formulation for this fiscal year. The work is best performed by consultants that are fully familiar with the Hansen System and are able to closely coordinate the data preparation, conversion, and upload so that it can be certified by Hansen. We, as City staff, do not want to assume responsibility for part of the scope

since we are not conversant with the process necessary to produce a fully operational system. The scope of work developed for the RFP therefore reflects the full services needed to establish the new system, to certify the data with Hansen, to ensure that the reports are the ones desired, and to fully train staff in the use of the software.

There were two proposals (Stantec and IMS) submitted in response to the RFP, both from firms that have performed this type of work successfully. Both are in the range of \$80,000 to \$85,000 for the effort required by the scope of work. Attached are the fee schedules from each firm showing the tasks to be performed and the compensation involved. The firm with the lower fee proposal did not include the Hansen certification fees, which may be \$5,000 or more. As a result, the two firms are basically equivalent in terms of fee proposal. Any services beyond the scope shown in the attachments would be at additional cost.

To ensure that sufficient funding is available during FY 2006-07, I request that the budgeted amount of \$30,000 be increased to \$100,000 to award the contract and provide a contingency amount for any additional services that may be needed as the contract is executed. This would require an additional amount of \$70,000 to supplement the budgeted amount.

The current budgeted amount of \$30,000 is funded from the Street Maintenance Fee revenue. So that the Street Maintenance Fee Fund is not unduly burdened by the increased cost of the pavement management services, I propose that the supplemental amount be charged to the following:

Street Maintenance Fee Fund:	\$20,000
Gas Tax Fund:	\$50,000

With the supplemental amount, each fund would be charged half of the total amount of \$100,000 needed for the services.

I have discussed the need for this additional funding with Michelle Wareing of the Finance Department. This memorandum provides the justification she needs to begin the process for providing the supplemental amount.

The consultant selection committee is in the process of evaluating the proposals and will make a selection within the next two weeks. The consultant selected and awarded the contract would be able to complete the street rating work during any period that provides several days of relatively dry weather. We would like to move ahead quickly with this work so that establishment of the new 5-year maintenance plan and the re-evaluation of the fee can be completed and the new charges incorporated into the City's budget formulation process for FY 2007-08.

Attachments

c: Vannie Nguyen, CIP Manager
Marco Cabanillas, Project Engineer

4.0 COMPENSATION

4.1 FEE BASIS AND DELIVERABLES

The fee schedule presented herein is based on the IMS work plan and deliverables. A summary of the deliverables is as follows:

Task 1.0 – Project Initiation

- A technical memorandum outlining the approved project scope, deliverables and schedule.
- A technical memorandum defining the limits of the survey program and QA/QC procedures.
- A street inventory containing all existing streets to be surveyed plus identification of the location of new streets to be added to the surveys and database(s).
- One site meeting is planned for the project kick off meeting and confirming the scope of work.

Task 2.0 – Field Surveys

- A technical memorandum documenting the results of the project calibrations.
- Pavement surface distress data collection of 145 centerline miles of roadway. IMS will two pass test all roadways greater than 3 lanes bringing the adjusted mileage to 180 test miles.
- Updating the streets inventory and sectional attributes, including ownership.
- Collection of GPS and digital image data.
- The following project meetings are planned:
2 – meetings with the RST crew chief, one prior to the surveys and one at the completion of the surveys to review the data collection coverage.

Task 3.0 – Data Management

- System configuration of the Hansen V8 PMS.
- Pavement condition data loaded into the City's software application.
- Exceptions reports for inventory, length and attributes.
- Digital images, and GIS linkage data as ordered.
- Software training for users of the Hansen application.
- Report & Analysis.
- The following project meetings are planned:
2 – trip for software training meetings.

4.2 SERVICES TO BE PROVIDED BY THE CITY

In accordance with the RFP, the IMS work plan and fee schedule are based on the City providing the following information and services:

- Provision of GIS topology covering the survey area.
- Participation in the review of traffic volumes, unit rates and strategies.
- Access to the client sites and Hansen applications for implementation and loading.
- Provision of street width information if required.
- Participation in the software training

FEE SCHEDULE

The project will be completed using a combination of unit rate and lump sum based activities. Activities that can be physically measured – such as miles of road surveyed, will be completed on a unit rate basis. This will ensure each agency is only charged for the actual miles surveyed and approved. The spreadsheet presented on the following page is based on the IMS work plan and deliverables. It represents a realistic budget to complete the work, and we are confident we can maintain an on-time, on-budget approach to the assignment.

Task Activity	Quant	Units	Unit Rate	Total
A. Data Acquisition				
Project Initiation	1	LS	\$2,500.00	\$2,500.00
Network Referencing	180	MI	\$10.00	\$1,800.00
Distress Protocols	1	LS	\$1,500.00	\$1,500.00
Mobilization	1	LS	\$2,500.00	\$2,500.00
Pavement Data Collection	180	MI	\$100.00	\$18,000.00
B. Digital Photo Acquisition				
Digital Images	180	MI	\$12.00	\$2,160.00
C. Data Evaluation				
Data QA/QC, Format, and Processing	180	MI	\$20.00	\$3,600.00
GIS Linkage	180	MI	\$18.00	\$3,240.00
D. Data Entry				
IMS to Hansen Segment Based Condition Data Entry	8	Da	\$1,500.00	\$12,000.00
PMS Data Conversion Certification	3	Da	\$1,500.00	\$4,500.00
E. System Configuration				
System PMS Configuration	10	Da	\$1,500.00	\$15,000.00
F. Detailed Final Report				
Report & Analysis Development	8	Da	\$1,500.00	\$12,000.00
G. Staff Training				
On-site Training for Hansen PMS	5	Da	\$1,500.00	\$7,500.00
Eskel Porter Out Of Pocket Expenses (Billed As Incurred)	1	LS	\$5,000.00	\$5,000.00
Project Total:				\$81,800.00

The budget proposed is a not-to-exceed fee schedule that includes direct expenses from Eskel Porter and IMS. The IMS direct expenses are built into the proposed fees and Eskel Porter direct expenses are listed at the bottom of the fee schedule.



WORK PLAN TASKS

Task 1: Project Initiation

	Description
Objective	To review the City's goals and objectives, and develop an implementation plan for the Hansen Street and Pavement Management Modules
Activities	<ul style="list-style-type: none"> Attend project initiation meeting at the City Finalize contract, develop work plan, including scope of work, budget, schedule, deliverables, and quality control/quality assurance issues Finalize the data collection requirements in terms of distress types and summarization of results
Critical Issues	<ul style="list-style-type: none"> Schedule for the various tasks involved in the implementation Information/data to be provided by the City Availability of City staff to finalize the data collection requirements
Deliverables	<ul style="list-style-type: none"> Project implementation plan

Task 2: Pavement Data Collection and System Data Gathering

	Description
Objective	To assemble all required data elements for proper implementation of the Hansen Street and Pavement Management Modules
Activities	<ul style="list-style-type: none"> Review available City data sources "Gap Analysis" on data sources and recommendations for further data collection needs or standardize interim default values GIS linkage to road segmentation Surface Distress, Roughness, and optional ROW digital Image data collection
Critical Issues	<ul style="list-style-type: none"> Availability of existing GIS centerline with linkage to Hansen Street Database Availability of other required data elements, including: road functional classifications, traffic (AADT values), geometric information, pavement structure, maintenance/rehabilitation alternatives, and unit rates Identify other primary data sources
Deliverables	<ul style="list-style-type: none"> Upload files for the Hansen system (OBS_SC and OBS_IRI)



Task 3: System Configuration

	Description
Objective	To develop decision trees, identify suitable deterioration models, and Hansen system setups that will provide realistic Pavement Management system outputs
Activities	<ul style="list-style-type: none"> ▪ Develop pavement deterioration models based on pavement type, structural composition, and anticipated and predicted traffic considerations ▪ Consult with City on maintenance and rehabilitation strategies, including types, unit rates, timing, benefits, and life expectancy ▪ Definition of levels of service for various road classes ▪ Develop Rehabilitation Decision Trees ▪ Establish various budget scenarios
Critical Issues	<ul style="list-style-type: none"> ▪ Availability of staff for meetings ▪ City staff to provide input and acceptance of system configuration
Deliverables	<ul style="list-style-type: none"> ▪ Fully configured Pavement Management system ready to accept and analyze pavement condition data

Task 4: Hansen Upload

	Description
Objective	To upload all pavement source data including pavement condition and street segment attribute data collected during Task 2
Activities	<ul style="list-style-type: none"> ▪ Obtain copy of City's Hansen database ▪ Document conversion methodology and receive certification form Hansen ▪ Create required SQL scripts to populate the collected data into the Hansen Database ▪ Run scripts against a "test" database at client site and verify results ▪ Final data conversion to production database
Critical Issues	<ul style="list-style-type: none"> ▪ Copy of the City's Hansen database ▪ Hansen certification of upload process ▪ Successful upload of data
Deliverables	<ul style="list-style-type: none"> ▪ Hansen database fully populated with pavement condition and other data sources collected during this project





Task 5: Staff Training

	Description
Objective	To ensure that the City is self-sufficient in running and maintaining the Hansen software City staff understand the concepts and results of the Hansen outputs in order to generate programs and present the information to other City staff and Council
Activities	<ul style="list-style-type: none"> 2-day on-site Hansen training and system review session with selected City staff 2-day on-site Pavement Condition training with selected City staff
Critical Issues	<ul style="list-style-type: none"> Availability of staff for training Errors in core Hansen software functionality
Deliverables	<ul style="list-style-type: none"> Fully trained and self-sufficient staff equipped to maintain the Hansen system

Task 6: Final Report

	Description
Objective	To provide the City with a document that identifies the current and predicted future pavement conditions, outlines the City's rehabilitation needs and programs, and summarizes budgetary impacts on the City's road network performance over a 10-year period
Activities	<ul style="list-style-type: none"> Modifications to system configuration if required Consult with City to determine report format and deliverables Assemble and document all Hansen analyses Review and finalize report with the City
Critical Issues	<ul style="list-style-type: none"> Third party reporting software (i.e. Crystal Reports) available for use at and by the City City staff availability to review and "sign-off" on report
Deliverables	<ul style="list-style-type: none"> Comprehensive report on the Hansen implementation and findings (2 copies)



COMPENSATION

The following table outlines our fees to provide the services as defined in our proposal and do not include any applicable Federal, State, and Local taxes.

Note: The fees do not include any Hansen Certification Fees if required. Any such fees will be negotiated with Hansen based on the current status and requirements of the Hansen system at the time of upload. It is recommended that the City participate in any such negotiations to limit the potential costs back to the City.

Services	Description	Estimated Hours							Estimated Expenses	Not to Exceed Fee
		PM	Advisor	Engineer	Analyst	Survey	Admin	Total Hours		
A	Data Aquisition	37.5		15	24	150	3	229.5	\$5,000	\$23,303
B	Optional Digital Photo Aquisition	4		3	24	30		61	\$1,500	\$6,219
C	Data Evaluation	4			32			36	\$500	\$3,564
D	Data Entry/Upload***	37.5		37.5	24			99	\$2,000	\$12,208
E	System Configuration	67.5		8				75.5	\$2,000	\$10,505
F	Final Report	37.5					12	49.5	\$500	\$5,957
G	Staff Training	37.5		37.5				75	\$4,000	\$12,288
Sub Total								625.5	\$15,500	\$74,043
*** Does not include Hansen Certification Fee if required									Grand Total	\$74,043

Rate Table - \$ /Hour	
Project Manager	\$126
Senior Advisor	\$126
Project Engineer	\$95
Data Analyst	\$80
Survey Technician	\$67
Administration	\$61

Agenda Item #

3.5

Meeting Date

January 23, 2007

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title A Resolution Approving Budget Amendment #11 to the FY 2006-07 Budget to Increase Appropriations in the Capital Construction and Transportation Division for Additional Costs Related to the Pavement Management Services.

Prepared By: Michelle Wareing

Dept Head Approval: AW

City Mgr Approval: CP

ISSUE BEFORE THE COUNCIL

Shall the City Council approve Budget Amendment #11 to increase appropriations in the Capital Construction and Transportation Division within the Community Development Department to fund additional costs related to pavement management services to update the street condition ratings and to train staff in the use of the Hansen Pavement Management Module?

STAFF RECOMMENDATION

Staff recommends approval of Budget Amendment #11.

KEY FACTS AND INFORMATION SUMMARY

At the January 16, 2007 Council workshop, staff briefed City Council on the need to increase appropriations for pavement management services. Currently, the FY 2006-07 includes \$30,000 for this service. During the preparation of scope of work for the Request for Proposal (RFP), it was determined that \$30,000 was insufficient to cover all the costs for the street ratings, data entry and conversion to Hansen, certification of data by Hansen, and staff training. Based on proposals received and to cover contingency, an additional \$70,000 is needed to fund this project.

It was planned that the original \$30,000 would be paid for with Street Maintenance Fee revenues that are to be transferred into the General Fund in FY 2006-07 as the costs for the pavement management services are included in the Capital Construction and Transportation Division's operating budget. This Division's expenditures are budgeted for in the General Fund although its costs are paid for by transfers in from other funds and a portion of the costs are paid for with General Fund revenues.

It is planned that the additional \$70,000 will be paid for with Street Maintenance Fee revenues of \$20,000 and Gas Tax revenues of \$50,000. Due to Oregon Budget Law, it would require a supplemental budget, which is an extensive process requiring 90 days notification and a public hearing, to establish additional transfers from these two funds to the General Fund in FY 2006-07. Therefore, it is being recommended that the additional costs be funded by a contingency transfer from the General Fund to the Capital Construction and Transportation Division's operating budget. In FY 2007-08, transfers will be established from the Street Maintenance Fee and Gas Tax Funds to the General Fund to reimburse the General Fund for these additional expenditures.

Budget Amendment #11 transfers \$70,000 from the General Fund contingency to the Capital Construction and Transportation Division operating budget.

OTHER ALTERNATIVES CONSIDERED

Do not approve Budget Amendment #11.

CITY COUNCIL GOALS

None

ATTACHMENT LIST

Resolution including Attachment A.

FISCAL NOTES

The Resolution transfers \$70,000 from the General Fund contingency to the Community Development, Capital Construction and Transportation Division operating budget. In FY 2007-08, transfers will be established from the Street Maintenance Fee and Gas Tax Funds to reimburse the General Fund for these costs.

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 07-_____

A RESOLUTION APPROVING BUDGET AMENDMENT #11 TO THE FY 2006-07 BUDGET TO INCREASE APPROPRIATIONS IN THE CAPITAL CONSTRUCTION AND TRANSPORTATION DIVISION FOR ADDITIONAL COSTS RELATED TO THE PAVEMENT MANAGEMENT SERVICES.

WHEREAS, the FY 2006-07 Budget includes \$30,000 for pavement management services for street condition ratings and staff training; and

WHEREAS, during the preparation of the scope of work for the Request for Proposal (RFP), it was concluded that the \$30,000 would be insufficient to cover all the costs related to the pavement management services; and

WHEREAS, it was determined that an additional \$70,000 was need to cover the total costs of the project; and

WHEREAS, it is planned that the additional \$70,000 will be paid for with Street Maintenance Fee and Gas Tax revenues; and

WHEREAS, due to Oregon Budget Law, it is recommended that the additional cost will be funded by a contingency transfer from the General Fund in FY 2006-07; and

WHEREAS, transfers will be established in FY 2007-08 from the Street Maintenance Fee and Gas Tax Funds to the General Fund to reimburse it for these additional costs; and

WHEREAS, it is necessary to amend the FY 2006-07 Budget to increase appropriations to fund the additional costs for the pavement management services project.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The FY 2006-07 Budget is hereby amended as shown in Attachment A to this resolution to transfer \$70,000 from the General Fund contingency to the Community Development Department's Capital Construction and Transportation Division operating budget to pay for the additional costs related to the pavement management services project.

SECTION 2: City Council directs staff to establish transfers in FY 2007-08 from the Street Maintenance Fee Fund in the amount of \$20,000 and from the Gas Tax Fund in the amount of \$50,000 to General Fund to reimburse the General Fund for these additional costs.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2007.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Attachment A
FY 2006-07
Budget Amendment #11

FY 2006-07 Revised Budget	Budget Amendment # 11	Revised Revised Budget
---------------------------------	-----------------------------	------------------------------

General Fund

Resources

Beginning Fund Balance	\$7,801,614		\$7,801,614
Property Taxes	10,225,860		10,225,860
Grants	344,355		344,355
Interagency Revenues	2,699,084		2,699,084
Development Fees & Charges	664,000		664,000
Miscellaneous Fees and Charges	307,325		307,325
Fines and Forfeitures	626,000		626,000
Franchise Fees and Business Tax	3,667,000		3,667,000
Interest Earnings	217,400		217,400
Other Revenues	26,000		26,000
Transfers In from Other Funds	2,707,028		2,707,028
Total	\$29,285,666	\$0	\$29,285,666

Requirements

Community Service Program	\$12,456,168		\$12,456,168
Public Works Program	2,999,637		2,999,637
Community Development Program	2,986,903	70,000	3,056,903
Policy & Administration Program	348,365		348,365
General Government	75,000		75,000
Program Expenditures Total	\$18,866,073	\$70,000	\$18,936,073
Debt Service	\$0		\$0
Capital Projects	\$0		\$0
Transfers to Other Funds	\$4,876,553		\$4,876,553
Contingency	\$1,000,000	(\$70,000)	\$930,000
Total Budget	\$24,742,626	\$0	\$24,742,626
Ending Fund Balance	4,543,040		4,543,040
Total Requirements	\$29,285,666	\$0	\$29,285,666

Agenda Item #

3.6

Meeting Date

January 23, 2007

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Dedication of Reserve Access Strips to the Public for Street Purposes

Prepared By: G. Berry ²⁸⁸



Dept Head Approval: TC/jp

City Mgr Approval: CP

ISSUE BEFORE THE COUNCIL

Shall City Council dedicate certain reserve strips to the public for street purposes?

STAFF RECOMMENDATION

Approve the attached resolution authorizing the City Manager to sign the attached Dedication Deed.

KEY FACTS AND INFORMATION SUMMARY

- The Bond Park No. 4 subdivision plat, recorded in 1987, conveyed a reserve access strip to the City along the edge of SW Bond Street as required by the Community Development Code in effect at the time. Similarly, the Langtree subdivision plat, recorded in 1989, conveyed reserve access strips at the temporary ends of Langtree Street and Patti Lane. The County Surveyor has indicated that the reserve strips need to be dedicated to the public for street purposes when the streets are extended. A request from the developer's engineer to dedicate the strips is attached.
- These street extensions have been authorized by the City through the development approval for the Gage Forest subdivision.
- With the extensions of the streets, the reserve strips should now be conveyed to the public for street purposes.
- Approval of the attached resolution will authorize the City Manager to sign the attached deed conveying the reserve strips to the public for street purposes.
- The purpose of reserve strips was to discourage unauthorized street extensions into parcels adjacent to completed subdivisions. The current Community Development Code no longer requires reserve strips.

OTHER ALTERNATIVES CONSIDERED

None considered.

CITY COUNCIL GOALS

The dedications support Transportation Goal No. 2; improve traffic flow, through Strategy No. 2, look for additional points of connectivity.

ATTACHMENT LIST

Attachment 1: Proposed Resolution
Exhibit 1: Dedication Deed
Exhibit 2: Map
Attachment 2: Request

FISCAL NOTES

The dedications will not require funding.

I:\eng\greg\gage forest dedication\12-23-07 gage forest dedication ais.doc

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 07-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY, A DEDICATION DEED TRANSFERRING TITLE OF RESERVE STRIPS TO THE PUBLIC.

WHEREAS, reserve access strips were conveyed to the City through Bond Park No. 4 subdivision recorded at Book 65, Page 15 and Langtree Estates subdivision recorded at Book 70, Page 44 Washington County Subdivision Records; and

WHEREAS, when streets are extended, the reserve strips need to be dedicated to the public for street right of way purposes; and

WHEREAS, street extensions have been authorized by the City through the development approval for the Gage Forrest subdivision in the locations shown in Exhibit 1; and

WHEREAS, as a result of the street extensions, the access strips now need to be conveyed to the public for street purposes.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Tigard City Council hereby authorizes the City Manager to sign a Dedication Deed dedication the reserve strips to the public for street purposes. A copy of the Dedication Deed is attached hereto as Exhibit 1, and incorporated herein by this reference.

SECTION : This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2007.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

RETURN RECORDED DOCUMENT TO:
CITY HALL RECORDS DEPARTMENT,
CITY OF TIGARD
13125 SW Hall Blvd.
Tigard, OR 97223

File No. _____

Exhibit 1
DEDICATION DEED

FOR ROAD OR STREET PURPOSES

Space above reserved for Washington County Recording information

The City of Tigard does hereby dedicate to the public a perpetual right-of-way for street, road, and utility purposes on, over, across, under, along, and within the following described real properties in Washington County, Oregon:

Tract B, Bond Park No. 4, recorded at Book 65, Page 15 and Tracts B and C, Langtree Estates recorded at Book 70, Page 44, of the Washington County Subdivision records.

To have and to hold the above-described and dedicated rights unto the public forever for uses and purposes hereinabove stated.

The true consideration for this conveyance is \$ 0.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

IN WITNESS WHEREOF, I hereunto set my hand on this _____ day of _____, 2007.

City of Tigard, Oregon

13125 SW Hall Blvd. Tigard, OR 97223

Address

Signature

City Manager

Title

STATE OF OREGON)
) ss.
County of Washington)

This instrument was acknowledged before me on _____ (date) by _____ by: _____
(name(s) of person (s)) as _____ (type of authority, e.g., officer, trustee, etc.) of
_____ (name of party on behalf of whom instrument was executed).

Notary's Signature

My Commission Expires: _____

Accepted on behalf of the City of Tigard this _____ day of _____, 2007.

City Engineer

EXHIBIT 2



ENGINEERING DEPARTMENT

13125 S.W. HALL BLVD.
TIGARD, OREGON 97223
VOICE: (503) 639-4171
FAX: (503) 624-0752

TIGARD

CITY OF TIGARD
OREGON

Westlake
consultants, inc

PLANNING | ENGINEERING | SURVEYING

January 4, 2007



Mr. Greg Berry
Community Development Dept.
City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223

RE: Gage Forest Subdivision
Dedication of "Reserve Strips" from Langtree Estates
WCI #: 1809-001-M

Dear Mr. Berry,

We are requesting that the 1 foot wide "Reserve Strips" shown on the attached Exhibit A - Plat of Langtree Estates, Sheet 1 of 2, as Tract "B" and Tract "C" and the 1 foot wide "Reserve Strip" shown on the attached Exhibit B - Plat of Bond Park No. 4, be dedicated to public use.

With the construction of the new Gage Forest Subdivision, both SW Langtree Street and SW Patti Lane will connect to SW 81st Avenue. (See Attached Exhibit C - Proposed Plat of Gage Forest Subdivision.)

If you have any questions, please feel free to give me a call.

Sincerely,

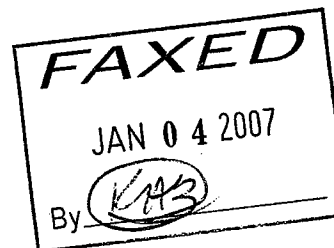
WESTLAKE CONSULTANTS, INC.

Douglas Liles

Doug Liles, PLS
Project Surveyor

DDL/kab

Enclosures



Fax: 503-624-0752

H:\ADMIN\180901.05\Gage Forest Subdivision\Survey\Request to dedicate Reserve Strips010407.doc

Pacific Corporate Center

15115 sw sequoia parkway,
suite 150, tigard, oregon 97224

www.westlakeconsultants.com | PH 503.684.0652 | FX 503.624.0157

Agenda Item #

Meeting Date

4
January 23, 2007

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Meeting with Oregon Department of Transportation Region 1 Manager, Jason Tell

Prepared By: A.P. Duenas Dept Head Okay TC City Mgr Okay CR

ISSUE BEFORE THE COUNCIL

Initial meeting with the Oregon Department of Transportation (ODOT) Region 1 Manager, Jason Tell, to discuss various issues of importance to both the City of Tigard and ODOT.

STAFF RECOMMENDATION

That Council establish a continuing dialogue with Mr. Tell, similar to the regular meetings with now ODOT Director Matthew Garrett, with the intent of facilitating the close coordination and partnership with ODOT needed to implement key projects aimed at improving traffic circulation on Highway 99W, Hall Boulevard, and on other arterials and collectors within the City.

KEY FACTS AND INFORMATION SUMMARY

This is the initial meeting with the new Region 1 Manager, Jason Tell. The meetings with the Region 1 Manager are part of an effort to establish a closer working relationship with ODOT staff, to share information of significance, and to help resolve issues that may need direction from top management in ODOT. Council met with the previous Region 1 Manager, Matthew Garrett (now ODOT Director), every six months or so for discussion of current and potential issues. Council wishes to establish a similar continuing dialogue with Mr. Tell.

Some of the issues of significance for discussion at this meeting are:

- The Highway 99W Corridor Improvement and Management Plan preparation is underway and should be completed by June 30, 2007. The Plan is expected to produce a package of projects for future implementation, and some land use recommendations to help improve circulation for all modes of travel. Funding will be needed to design and construct these projects. In addition, ODOT support will be needed to effect land use changes aimed at improving access to adjacent properties and achieving congestion relief on the highway. The City will be looking to partner with ODOT in funding some of these improvements. The discussion of ODOT participation in implementing these improvements needs to begin early in the process and must be continued as projects are identified and prioritized.
- The City is currently considering a local gas tax to provide funding for the improvements to the Greenburg Road/Highway 99W/Main Street intersection. If the local gas tax is approved and implemented, ODOT support and cooperation will be essential to the timely implementation of that project in conjunction with the Hall Blvd/Highway 99W intersection improvements. The Region 1 Manager can help greatly in ensuring that issues are resolved promptly during this process.

- ODOT, Washington County, and the City began exploratory discussions (initiated and led by ODOT staff) in January 2006 regarding conditions under which jurisdiction for Hall Boulevard could be transferred to either the City or the County. After the initial discussions, nothing has happened regarding the potential transfer. There is a general understanding that Hall Boulevard will have to be significantly improved before the City would consider accepting jurisdiction for that street. However, if ODOT is still pursuing transfer of Hall Boulevard, the City is receptive to continuing those discussions so that the conditions for the transfer of the street can be clearly defined.

The commitment by Mr. Garrett to periodically meet with Council demonstrated his willingness to be proactive in discussing and resolving current and potential issues in a timely manner. Council wishes to establish that same close relationship with Mr. Tell. This close coordination between ODOT and the City will continue to receive strong emphasis as improvement projects are initiated to alleviate congestion on highways and arterials (such as Highway 99W and Hall Boulevard) that are under ODOT jurisdiction but adversely impact intra-city circulation, and as the types of improvements needed to effect a transfer of Hall Boulevard are more clearly understood.

OTHER ALTERNATIVES CONSIDERED

None

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Major projects to improve state facilities in the City support the Tigard Beyond Tomorrow goal of *Improve Traffic Flow* and *Improve Traffic Safety*. The planned improvements to the Hall Blvd/Highway 99W intersection and the proposed improvements to the Greenburg Road/Highway 99W/Main Street intersection support the Council Goal to *Improve 99W Corridor*.

ATTACHMENT LIST

None

FISCAL NOTES

No fiscal requirements at this time. Projects initiated and implemented would be funded through the City's Community Investment Program formulation process. The Hall Blvd/Highway 99W intersection project is funded in the amount of \$4.9 million in the County's MSTIP 3 program, with a maximum additional contribution from ODOT of \$750,000 to supplement the project shortfall and enable the project to meet ODOT requirements prior to construction. The current estimate range for the Greenburg Road/Highway 99W intersection improvements is \$3.5 to \$4.0 million. A 3-cent local gas tax is expected to raise \$4.5 to 5.0 million over a 5 year period. This revenue should be sufficient to fund the project.

Agenda Item #
Meeting Date

5
January 23, 2007

COUNCIL AGENDA ITEM SUMMARY
City Of Tigard, Oregon

Issue/Agenda Title Tualatin Riverkeepers Field Guide Presentation

Prepared By: Duane Roberts Dept Head Approval: TC City Mgr Approval: cl

ISSUE BEFORE THE COUNCIL

The Tualatin Riverkeepers wish to present copies of the most recent edition of its field guide *Exploring the Tualatin River Basin* to each Council member.

STAFF RECOMMENDATION

No formal Council action is required.

KEY FACTS AND INFORMATION SUMMARY

The Tualatin Riverkeepers, established in 1989, is a community-based organization working to protect and restore Oregon's Tualatin River system. The Riverkeepers build watershed stewardship through public education, access to nature, citizen involvement and advocacy. The organization's current headquarters is on Main Street in Downtown Tigard.

The Riverkeepers are responsible for the 162-page *Exploring the Tualatin River Basin*, published by the Oregon State University Press. This is a guide to the wildlife, ecology, and history of the Tualatin River Basin. In 2000, the City contributed \$1,000 to the cost of the field guide's first-year publication.

Brian Wegener, the organization's Watershed Watch Coordinator, will be present at the meeting to present copies of the latest edition of the field guide to each Council member as a token of the Riverkeeper's appreciation for the City's past financial support for its activities and programs. These activities and programs include the publication of its field guide, its Trips and Tours Program, the production of Access Guide Signs, the publication of its Construction Erosion Guide, and its volunteer restoration events at Bonita Park.

OTHER ALTERNATIVES CONSIDERED

N/A

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

The publication of *Exploring the Tualatin River Basin* supports Urban and Public Services, Parks and Greenways, Goal #1: The City will educate and support citizen efforts to understand the importance of floodplains and wetlands and how the areas are managed and protected.

ATTACHMENT LIST

N/A

FISCAL NOTES

N/A

Agenda Item #

6

Meeting Date

1/23/07

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title City Vision Process Update

Prepared By: Liz Newton & Loreen Mills

Dept Head Approval: CL

City Mgr Approval: CL

ISSUE BEFORE THE COUNCIL

Receive update on citywide vision highlights and process change.

STAFF RECOMMENDATION

Receive update presentation.

KEY FACTS AND INFORMATION SUMMARY

In 1996, the Tigard City Council expressed concern that the community's future was too important to leave to chance and directed a process to pull resources together to determine long-term goals for Tigard. Residents, government professionals, business people, and community group leaders volunteered to work together to determine the community's future direction. Adopting the name "Tigard Beyond Tomorrow," they established a process that defined a vision for our community and identified resources for implementing that vision.

Over the last 10 years, the citizen-based Task Force has reviewed and updated the strategies and action plans to accomplish the goals identified by the community's visioning process. It is now time to consider new ways to bring attention to the community-wide vision process and take another step in honoring the community's desire for a "place to call home".

Tigard's Comprehensive Plan update will be accomplished within the next several months. The Comp Plan is a guide for Tigard's planning, actions and investments for the next several years. It is also the plan that will reflect the community's values and vision too. In order to have one set of guiding principles and laws to guide decision making for community livability, land use, provisions of public facilities and services, the Comprehensive Plan process will also embody the community's vision as well.

Tigard's community vision has been well championed by the Tigard Vision Task Force and its Action Committees for 10 years. The Vision Task Force is now passing the baton to the Tigard Planning Commission who will now advocate for the community's desire for making Tigard a great place to live, work and play. People who served on the old Tigard Vision Task Force will continue to be a vital part of the vision process; being involved in the new process and sharing their experience, expertise and interests as citizens of this community.

A brief presentation of Vision process accomplishments will be provided at the Council meeting on 1/23/07.

OTHER ALTERNATIVES CONSIDERED

N/A

CITY COUNCIL GOALS

Comprehensive Plan Update
Connect with Citizens - Communication

ATTACHMENT LIST

Vision Task Force Action Themes 1999 - 2006

FISCAL NOTES

The cost of the vision component of the comprehensive plan update is not easily identified. The budget for this process is in the Community Development Department budget.

VISION TASK FORCE THEMES

1999-2006

1999

- Develop & Adopt Washington Square Regional Plan ~ addressing growth, traffic and open space issues

2000

- Library Space & Increase Programming
- Annex Walnut Island

2001

- Greenway, Open Space/Natural Areas and Parks

2002

- Library Building Bond Measure
- Communication With Citizens ~ more effective
- Dog Parks
- Water Conservation

2003

- Youth Focus
- Skate Park
- Schools
- Tigard Youth Advisory Council

2004

- Access to Pathways, Sidewalks, Streets and Mass Transit
- Community Appearance
- Better Two-Way Communication Between Citizens & City
- Community Center/Gathering Place
- Transportation Congestion ~ Focused on 99W
- Park & Recreational Opportunities

2005

- Community Appearance
- Better Two-Way Communication Between Citizens and City
- Downtown Plan & Financing Mechanism
- Community Center/Gathering Place

2006

- Downtown Redevelopment
- Open Spaces and Park Land
- Transportation and Traffic ~ Focused on new financing options and 99W issues

Items for Agenda Item No. 7

Council Goal Adoption

***Will be available in the
Council Newsletter Packet
to be distributed Friday, January 19, 2007***

Items for Agenda Item No. 8

Council Liaison Appointments

***Will be available in the
Council Newsletter Packet
to be distributed Friday, January 19, 2007***

Agenda Item #

9

Meeting Date

January 23, 2007

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Formation of Sanitary Sewer Reimbursement District No. 37 (SW 87th Ct., Hall Blvd.)

Prepared By: G. Berry ^{GB} Dept Head Approval: TC City Mgr Approval: CP

ISSUE BEFORE THE COUNCIL

Shall City Council approve the formation of a sewer reimbursement district to construct a sanitary sewer project as part of the Neighborhood Sewer Extension Program?

STAFF RECOMMENDATION

Approval, by motion, of the attached resolution forming the Reimbursement District.

KEY FACTS AND INFORMATION SUMMARY

- The proposed project would provide sewer service to six lots along SW 87th Court and Hall Boulevard.
- Through the City's Neighborhood Sewer Extension Program, the City would install public sewers to each lot within the Reimbursement District and the owners would reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each owner would be responsible for disconnecting the existing septic system according to County rules and any other plumbing modifications necessary to connect to the public line.
- On September 7, 2006, staff held a neighborhood meeting for owners to review the project procedure, construction schedule and estimated costs. The one owner attending the meeting owns three of the six lots. This owner expressed support for the project and intends to connect the three lots to the sewer. The remaining three owners did not attend the meeting and have not expressed a view on the project. Each owner has been notified of the hearing by mail. The notice, mailing list and additional details are included in the City Engineer's Report attached as Exhibit A to the proposed resolution.
- If Council approves this request to form the Reimbursement District, bids from contractors to construct the sewer will be requested.
- Another resolution to finalize the Reimbursement District, with cost adjustments, will be submitted for Council action after construction is completed and actual construction costs are determined.

OTHER ALTERNATIVES CONSIDERED

None

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

The project is part of the Citywide Sewer Extension Program established by City Council to provide sewer service to developed but unserved residential areas in the City. It meets the Tigard Beyond Tomorrow Growth and Growth

Management goal of "Growth will be managed to protect the character and livability of established areas, protect the natural environment and provide open space throughout the community." Sewer service enhances the environment and protects the health of the residents by providing for the closure of septic systems 40 to 50 years old.

ATTACHMENT LIST

Attachment 1- Proposed Resolution

Exhibit A, City Engineer's Report

Exhibit B, Map

Attachment 2- Vicinity Map

Attachment 3- Map of Reimbursement District No. 1 Lots to be Provided with Service

Attachment 4- Notice to Owners

Attachment 5- Mailing List

Attachment 6- Resolution No. 01-46

Attachment 7- Resolution No. 03-55

FISCAL NOTES

The estimated cost of the project is \$147,994. This amount includes the estimated cost of construction plus an amount for the administration and engineering as defined in TMC 13.09.040(1).

Funding is by unrestricted sanitary sewer funds.

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 07-_____

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 37 (SW 87TH COURT, HALL BOULEVARD)

WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, the property owners of proposed Sanitary Sewer Reimbursement District No. 37 (SW 87th Court, Hall Boulevard) have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 37," attached hereto as Exhibit A, is hereby approved.

SECTION 2 A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described in Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 37, SW 87th Court and Hall Boulevard."

SECTION 3 Payment of the reimbursement fee, as shown in Exhibit A, is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.

SECTION 4 An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.

SECTION 5 The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.

SECTION 6: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2007.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

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Exhibit A
City Engineer's Report
Sanitary Sewer Reimbursement District No. 37
(SW 87th Court, Hall Boulevard)

Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program, the City of Tigard would install public sewers to each lot within the project area. At the time the property owner connects to the sewer, the owner would pay a connection fee, currently \$2,735, and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic systems according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

The six lots in this district are the lots that can not be served without sewer line extensions. Serving these six lots will require boring across SW Hall Boulevard to an existing sewer in SW Merlyne Court. This boring will also provide service to ten other lots along SW McDonald Street as shown on Attachment 3. These ten lots were provided with access to a main line constructed in 1992 through Reimbursement District No. 1. The downstream end of the main line was terminated at SW Hall Boulevard leaving the lots without service. This mainline will be connected to the proposed line crossing SW Hall Boulevard and will become functional. The owners will be notified when service becomes available. Reimbursement District No. 1 expired on January 21, 2002, so owners may connect to the sewer without payment of a reimbursement fee. The remaining lots on SW 87th Court already are served from an existing line to the rear of the lots and are not included in this district.

The proposed project would provide sewer service to a total of six lots within the proposed reimbursement district as shown on Exhibit Map B.

Cost

The estimated cost for the sanitary sewer construction to provide service to the six lots is \$130,392. Engineering and inspection fees amount to \$17,603 (13.5%) as defined in TMC 13.09.040(1). The estimated total project cost is \$147,994. This is the estimated amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay a connection and inspection fee, currently \$2,735, upon connection to the public line. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties in the proposed district are zoned R-4.5 but vary in lot size from about fifteen thousand to sixteen thousand square feet as can be seen in the following list of lots. Therefore, it is recommended that the total cost of the project be divided among the properties proportional to the square footage of each property.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's estimated fair share of the public sewer line is \$1.58017957 per square foot of lot served. Each owner's fair share would be limited to \$6,000, to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution No. 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000. Upon request, payment of costs that exceed \$15,000 may be deferred until the lot is developed, as provided by Resolution No. 03-55 (attached).

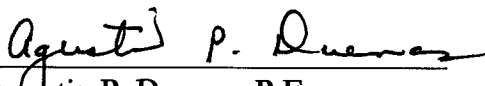
Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted January 9, 2007


Agustin P. Duenas, P.E.
City Engineer

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**87TH COURT
Reimbursement District No. 37**

*Estimated Cost to Property Owners
September 1, 2006*

	OWNER	SITE ADDRESS	TAX LOT ID	AREA (S.F.)	AREA (AC)	ESTIMATED REIMBURSEMENT FEE	AMOUNT TO BE PAID BY OWNER	AMOUNT TO BE PAID BY CITY	AMOUNT THAT CAN BE DEFERED BY OWNER
1	GARDNER RICHARD A	13940 SW 87TH CT	2S102DD00809	16175.35075	0.371	\$25,560	\$16,560	\$9,000	\$10,560
2	BOGAN REGINALD & SUSAN H	13855 SW HALL	2S102DD00801	14697.75398	0.337	\$23,225	\$14,225	\$9,000	\$8,225
3	CURTIS FAMILY TRUST	13960 SW 87TH CT	2S102DD00808	15426.11273	0.354	\$24,376	\$15,376	\$9,000	\$9,376
4	BOSSHARDT AURTHUR A	13915 SW HALL BLVD	2S102DD00802	14976.41384	0.344	\$23,665	\$14,665	\$9,000	\$8,665
5	CURTIS FAMILY TRUST	13905 SW 87TH CT	2S102DD00812	16443.5323	0.377	\$25,984	\$16,984	\$9,000	\$10,984
6	CURTIS FAMILY TRUST	13935 SW 87TH CT	2S102DD00813	15937.57553	0.366	\$25,184	\$16,184	\$9,000	\$10,184
			Totals	93657	2.15	\$147,994	\$93,994	\$54,000	\$57,994

87TH COURT
Reimbursement District No. 37
Estimated Cost to Property Owners
Summary
September 1, 2006

Estimated Construction Cost	\$113,384
15% contingency (construction)	\$17,008
Estimated construction subtotal	\$130,392
13.5% contingency (Admin & Eng)	\$17,603
total project costs	\$147,994
total area to be served (S.F.)	93,657
total cost per S.F. to property owner	\$1.58017957

The "estimated cost to property owner" column shows the estimated reimbursement fee each owner is required to pay to connect to the sewer. There are no requirements to connect to the sewer or pay any fees until the owner decides to connect to the sewer. The final reimbursement fee will be determined once construction is complete and final costs are determined.

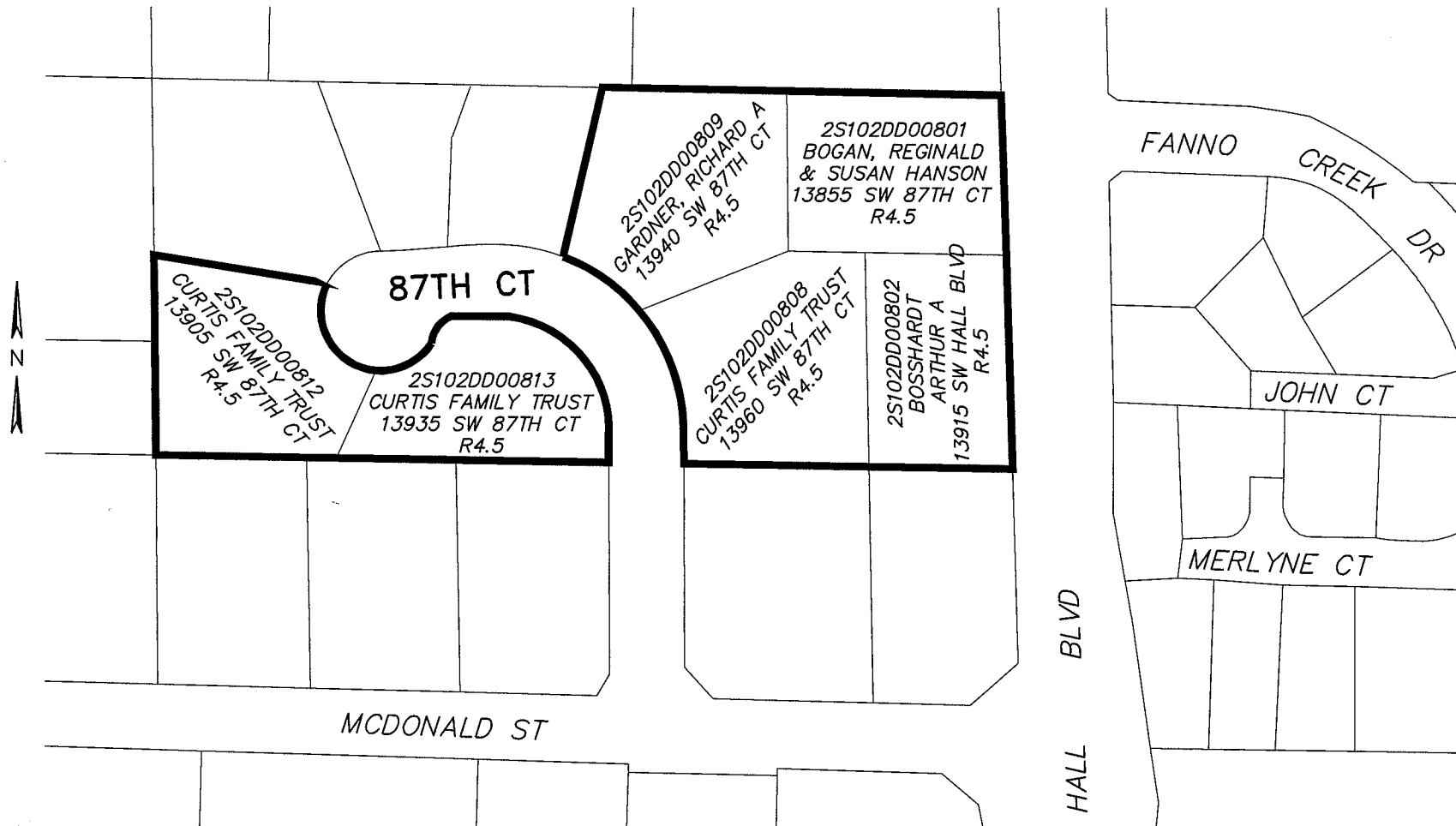
The amount each property owner will be required to pay will be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction, in accordance with Resolution 01-46. This amount is shown in the "paid by owner" column. The remaining portion of the reimbursement fee that the owner will not be required to pay during this three year period is shown in the "paid by city" column.

Please note that this resolution also requires the owner to pay any fair share amounts that exceed \$15,000. Consequently, if the final fair share for an owner exceeds \$15,000, the owner would be required to pay \$6,000 plus the amount the fair share exceeds \$15,000. Under Resolution 03-55, payment of the amount in excess of \$15,000 may be deferred until the owner's lot is developed.

The owner would also be required to pay a connection fee, currently \$2,735, at the time of connection to the sewer. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

These costs are as presented during the Neighborhood Meeting and will be revised once construction is completed and final costs are determined.

87TH COURT
FY 2006-07 SANITARY SEWER EXTENSION PROGRAM
REIMBURSEMENT DISTRICT NO. 37
A PORTION OF THE SW 1/4 SECTION 2 T2S R1W W.M.

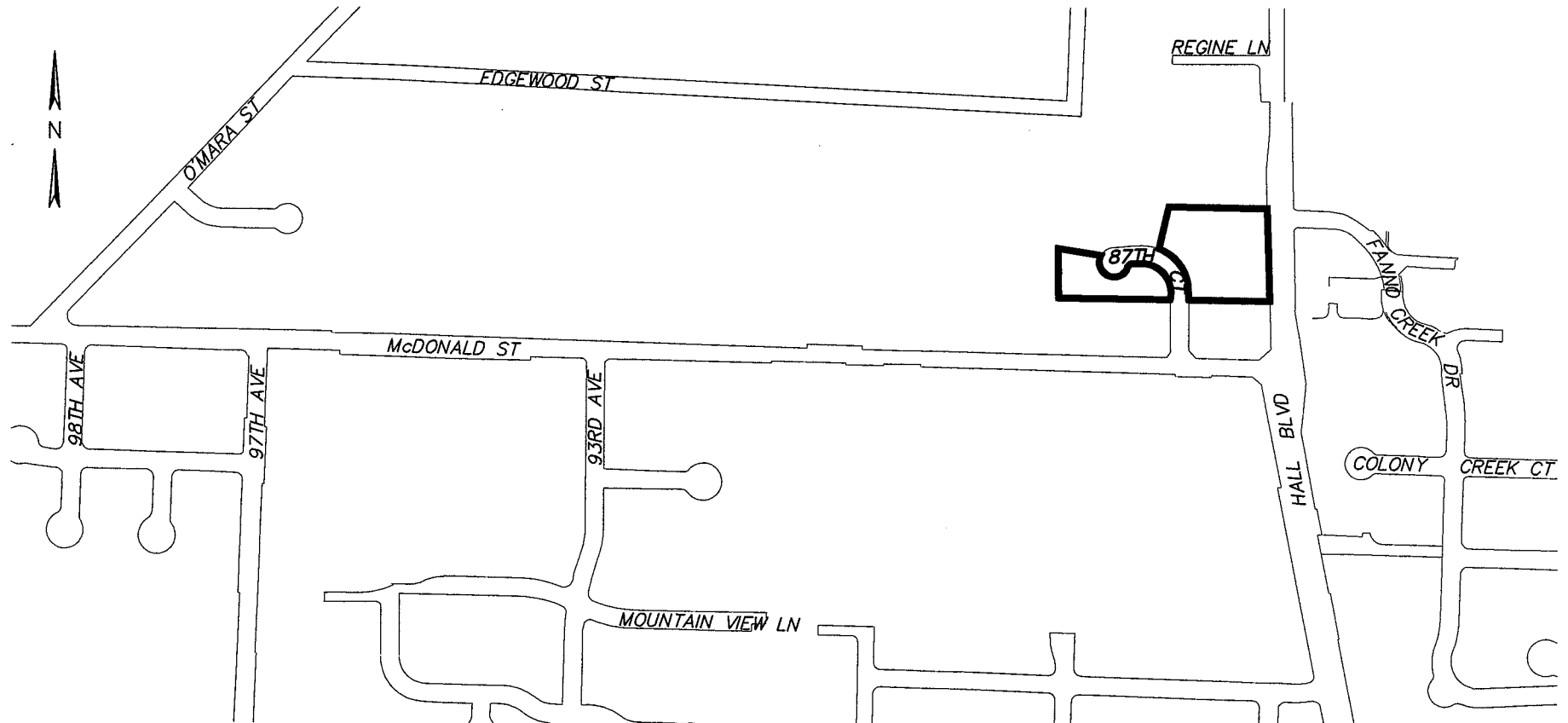


NOTE:

All properties in the reimbursement district are zoned R4.5

EXHIBIT B
NTS

87TH COURT
FY 2006-07 SANITARY SEWER EXTENSION PROGRAM
REIMBURSEMENT DISTRICT NO. 37
A PORTION OF THE SW 1/4 SECTION 2 T2S R1W W.M.



VICINITY MAP
NTS

REIMBURSEMENT DISTRICT NO. 1 LOTS TO BE PROVIDED WITH SERVICE

Attachment 3



January 5, 2007

NOTICE

Informational Hearing

NOTICE IS HEREBY GIVEN
THAT THE **TIGARD CITY COUNCIL**
AT A MEETING ON
TUESDAY, January 23, 2007 AT 7:30 PM
IN THE **TOWN HALL OF THE TIGARD CIVIC CENTER**
13125 SW HALL BLVD
TIGARD OR 97223

WILL CONSIDER THE FOLLOWING:

Proposed Sanitary Sewer Reimbursement District No. 37 (SW 87th Court, Hall Boulevard)

The Tigard City Council will conduct an informational public hearing to hear testimony on the proposed Reimbursement District formed to install sewers in SW 87th Court and Hall Boulevard.

Both public oral and written testimony is invited.

The public hearing on this matter will be conducted as required by
Section 13.09.060 of the Tigard Municipal Code.

Further information and the scheduled time for this item during the Council meeting may be obtained from the Engineering Department, 13125 SW Hall Blvd. Tigard, Oregon 97223, by calling 503-718-2468 or at www.tigard-or.gov.

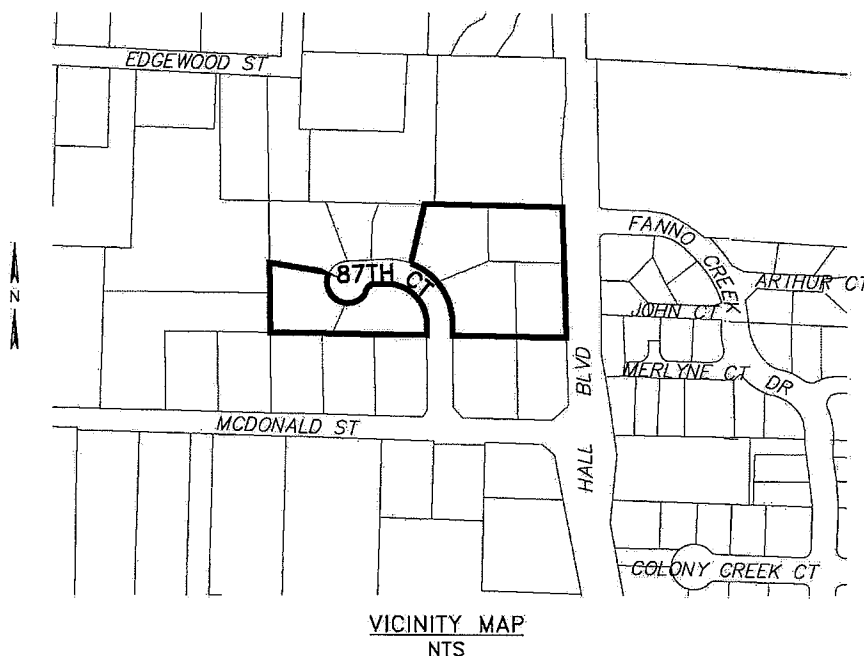
Proposed Sanitary Sewer Reimbursement District No. 37
(SW 87th Court, Hall Boulevard)

At this meeting, City Council will be requested to form a sewer reimbursement district to provide your neighborhood with sewer service as described during the September 7, 2006, neighborhood meeting. There is no requirement to connect to the sewer or pay any fee until connection is made. Each property owner's estimated fair share is summarized in the attached tables.

The amount each property owner will be required to pay will be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction, in accordance with Resolution No. 01-46. Please note that this resolution also requires the owner to pay any fair share amounts that exceed \$15,000. Consequently, if the final fair share for an owner exceeds \$15,000, the owner would be required to pay \$6,000 plus the amount the fair share exceeds \$15,000. Under Resolution No. 03-55, payment of the amount in excess of \$15,000 may be deferred until the owner's lot is developed.

The owner would also be required to pay a connection fee, currently \$2,735, at the time of connection to the sewer. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

87TH AVENUE
FY 2006-07 SANITARY SEWER EXTENSION PROGRAM
REIMBURSEMENT DISTRICT NO. 37
A PORTION OF THE SW 1/4 SECTION 2 T2S R1W W.M.





2S102DD00809
GARDNER RICHARD A
13940 SW 87TH CT
TIGARD OR 97223

2S102DD00801
BOGAN REGINALD & SUSAN HANSON
PO BOX 230732
TIGARD OR 97281

2S102DD00808, 2S102DD00812, 2S102DD00813
CURTIS FAMILY TRUST
15285 SW ALDERBROOK CT
TIGARD OR 97224

2S102DD00802
BOSSHARDT AURTHER A
13915 SW HALL BLVD
TIGARD OR 97223



CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46**A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM**

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

WHEREAS, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

WHEREAS, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

SECTION 2: A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within **three years** after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by **two years** from the date this resolution is passed, which ever is later, as shown on the attached Table 1.

SECTION 3: To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee; which is still payable upon application for

sewer connection.

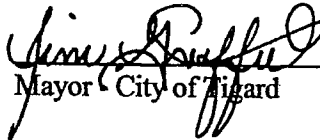
SECTION 4: The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

SECTION 5: Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.

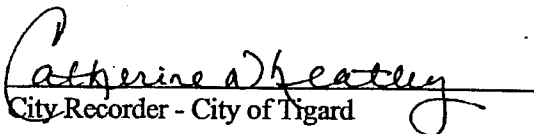
SECTION 6: The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection.

EFFECTIVE DATE: July 10, 2001

PASSED: This 10th day of July 2001.


Mayor City of Tigard

ATTEST:


City Recorder - City of Tigard

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

RESOLUTION NO. 01-46

Page 2

TABLE 1
Reimbursement Districts with Refunds Available

DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
TIGARD ST.No.8	5,193	No reimbursement available	
FAIRHAVEN ST/WYNo.9	4,506	No reimbursement available	
HILLVIEW ST No.11	8,000		July 11, 2003
106 TH & JOHNSON No.12	5,598	No reimbursement available	
100 TH & INEZ No.13	8,000		July 11,2003
WALNUT & TIEDEMAN No.14	8,000		July 11,2003
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		July 11,2003
WALNUT & 121 ST No.18	-	Amount to be reimbursed will be	Throo years from service availability
ROSE VISTA No.20	-	determined once final costs are determined.	

* Currently being constructed

CITY OF TIGARD, OREGON**RESOLUTION NO. 03- 55****A RESOLUTION PROVIDING ADDITIONAL INCENTIVES TO THE NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM (RESOLUTION NO. 01 - 46).**

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on July 10, 2001, the City Council established the Revised and Enhanced Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 01-46 to encourage owners to connect to public sewer within three-years following construction of sewers; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners of large lots to promptly connect to sewers once service is available.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1:** In addition to the incentives provided by Resolution No. 01-46, any person whose reimbursement fee exceeds \$15,000 and wishes to connect a single family home or duplex to a sewer constructed through a reimbursement district may defer payment of the portion of the reimbursement fee that exceeds \$15,000, as required by Section 3 of Resolution No. 01-46, until the lot is partitioned or otherwise developed in accordance with a land use permit. The land use permit shall not be issued until payment of the deferred amount is made. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payment of this deferred amount.
- SECTION 2:** Lots that qualify under Section 1, within reimbursement districts that have exceeded the three-year period for connection, and have not connected to sewer can connect the existing structure, pay a reimbursement fee of \$6,000, and defer payment of the portion of the reimbursement fee that exceeds \$15,000 if connection to the sewer is completed within one year after the effective date of this resolution.
- SECTION 3:** Vacant lots improved with a single family home or duplex during the term of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, pay \$6,000 if the fee exceeds that amount, and may defer payment of the portion of the reimbursement fee that exceeds \$15,000 as provided by Section 1.
- SECTION 4:** Vacant lots that are partitioned, subdivided, or otherwise developed during the life of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, shall pay a reimbursement fee of \$6,000, and shall pay any amount due over \$15,000 at the time of development. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payments made under this section.
- SECTION 5:** The owner of any lot for which deferred payment is requested must enter into an agreement with the City, on a form prepared by the City Engineer, acknowledging the

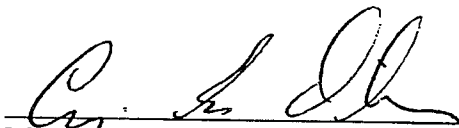
owner's and owner's successors obligation to pay the deferred amount as described in Section 1. The City Recorder shall cause the agreement to be filed in the office of the County Recorder to provide notice to potential purchasers of the lot. The recording will not create a lien. Failure to make such a recording shall not affect the obligation to pay the deferred amount.

SECTION 6: Any person who qualifies under Section 1 and has paid a reimbursement fee for the portion of the reimbursement fee in excess of \$15,000 is entitled to reimbursement for that amount from the City upon request. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. Any person requesting a refund must sign an agreement similar to that described in Section 5 acknowledging the obligation to pay the refunded amount upon partitioning or developing the lot.

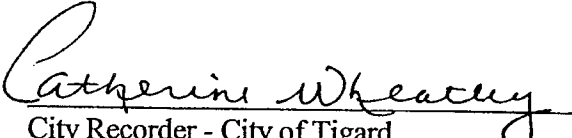
SECTION 7: The Sanitary Sewer Fund continues to remain the funding source for the Neighborhood Sewer Reimbursement District Program and shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection and for any deferred payment permitted by this resolution.

SECTION 8: This resolution is effective immediately upon passage.

PASSED: This 14th day of October 2003.


~~Mayor - City of Tigard~~
Craig E. Dirksen, Council President

ATTEST:


Catherine Wheately
City Recorder - City of Tigard

i:\eng\reg\reimbursement districts\revisions res 01-46 aug 26 03\oct 14 03 council\10-14-03 addition to res 1-46 res.doc